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2002

MARYLAND JUDICIARY

Administrative Office of the Courts
Department of Family Administration

Family Divisions & Family Services Programs Annual Report

A STATUS REPORT TO THE
SENATE BUDGET & TAXATION COMMITTEE AND THE
HOUSE APPROPRIATIONS COMMITTEE

ADMINISTRATIVE OFFICE OF THE COURTS  DEPT. OF FAMILY ADMINISTRATION

Family Divisions & Family Services Programs ANNUAL REPORT

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Introduction

Extending the Reach and Range of Services to Families

Maryland courts are a key partner in the nexus of agencies serving families and children. Four years have passed since the Court of Appeals adopted Maryland Rule 16-204 establishing family divisions in the state's five largest jurisdictions, and family services programs in the remaining nineteen jurisdictions. Rural and metropolitan jurisdictions alike now offer a uniform spectrum of services to litigants involved in domestic and juvenile cases.

Reforms have been made in how family cases are managed – changes that permit the courts to “frontload” these cases. Services are initiated early in the case – to educate the parties so they know what to expect, and to assist them in remaining child-focused. Evaluations are ordered immediately to ensure investigations do not unnecessarily delay trial. Parents are educated about what to expect, and how to remain child-focused. Finally, the parties are given multiple opportunities to make decisions for themselves and their children.

Families have many opportunities to learn and understand the court process before initiating legal action. Web-based information, online forms and walk-in clinics assist families in learning what their options are and how best to proceed. They are connected with available legal services where appropriate and advised when self-representation is inappropriate or unwise.

In juvenile cases, the Maryland courts are increasingly turning to non-adversarial methods of resolving these matters – from TPR and adoption mediation, to juvenile drug courts. Courts have worked closely with agency partners to establish, enhance or facilitate innovative approaches in working with youth.

Maryland courts are becoming “problem-solving” courts – courts that measure success not by the volume of trials concluded, but by the number of cases that might once have gone to trial, but are now resolved in mediation, by the number of children whose substance abuse problems are successfully diagnosed and treated, by the number of

post-divorce families who have learned the communication skills they will need to avoid conflict in the future.

This annual report details the efforts made during Fiscal Year 2002 to keep the momentum of family court reform going in Maryland. The Maryland Judiciary evaluates its record in serving families by examining its efforts in light of the *Performance Standards and Measures for Maryland's Family Divisions*. The *Performance Standards* outline key measures that reflect the values and goals of the family divisions and family services programs. They are built around the *Trial Court Performance Standards* established for use by all courts by a national task force led by Maryland's former Chief Judge Robert C. Murphy.

This report is organized around the five key principles of the *Performance Standards* and the *Trial Court Performance Standards*:

- Access to Justice
- Expedition & Timeliness
- Equality, Fairness & Integrity
- Independence & Accountability
- Public Trust & Confidence

Maryland's family justice system cannot be fully effective unless it exhibits those values.

HIGHLIGHTS

During Fiscal Year 2002, a number of key initiatives were undertaken to further family court reform efforts. These included the following:

1. **Creation of a** nested committee structure **to improve internal judiciary communications on family issues.**
2. Improved grant administration procedures **to ensure special project and jurisdictional family grants are administered fairly and competitively across the state.**
3. **Completed the** transition of masters to state employment.
4. **Finalized** approval of the *Performance Standards and Measures for Maryland's Family Divisions*.
5. **Improved the** management of the judiciary's child support incentive funds **to generate innovative ideas to improve support enforcement efforts.**

6. **Extended the reach and range of** services to impact juvenile case types.
7. **Improved** data collection on unrepresented litigants in family cases **to assist the courts in planning for how best to serve that population.**
8. **Completed the** transition of juvenile court in Montgomery County **from District to Circuit Court.**
9. **Planned a conference with Maryland's Mediation & Conflict Resolution Office (MACRO) to promote the field of family mediation.**
10. **Added** staff and key programs to shorten the time it takes to conclude termination of parental rights cases **in an effort to free children for adoption sooner.**
11. **Offered 60-hours of** mediation training **for judges, masters and court professionals.**
12. **Implemented rule changes that permit** the transfer of domestic violence cases between District and Circuit Courts **where necessary to consolidate cases and improve the handling of child access issues.**
13. **Extended the Protective Order Advocacy and Representation Project (POARP) to Baltimore County Circuit Court.**
14. **Promoted** pro bono participation in the courts **with a seminar presented in conjunction with the Pro Bono Resource Center of Maryland.**
15. Assessed the impact of the *Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings.*
16. **Initiated a** quarterly newsletter, *Family Matters*, **to develop an identity for and promote communication among those working in Maryland's family justice system.**

Family Divisions & Family Services Programs

Bridging the Resource Gap Between Jurisdictions

Mission of Maryland's Family Divisions

The mission of Maryland's Family Divisions is to provide a fair and efficient forum to resolve family legal matters in a problem-solving manner, with the goal of improving the lives of families and children who appear before the court. To that end, the court shall make appropriate services available for families who need them. The court shall also provide an environment that supports judges, court staff, and attorneys so that they can respond effectively to the many legal and non-legal issues of families in the justice system.

Family Division Jurisdiction

Circuit Court family divisions have jurisdiction over all civil legal matters relating to the family. This permits the court to coordinate related family matters, streamline the use of services, and develop a complete understanding of each family. Case types within the jurisdiction of family divisions include those listed in Table 1.

Family divisions have jurisdiction over all civil legal matters relating to the family.

Table 1. Family Division Jurisdiction

Family Division Case Types	
Adoption	Guardianships
Child Support	Involuntary Admissions
CINA	Juvenile Delinquency
CINS	Name Changes
Custody	Paternity
Divorce	Termination of Parental Rights
Domestic Violence	Visitation

Circuit Courts share concurrent jurisdiction with the Maryland District Court over domestic violence matters. Concurrent jurisdiction ensures that victims can seek assistance from any court in the State.

Rule 16-204 provides for a separate family division in any Circuit Court with 7 or more judges. Family divisions exist in the following jurisdictions:

- Anne Arundel
- Baltimore City
- Baltimore County
- Montgomery
- Prince George's

Maryland's remaining nineteen jurisdictions each have, at a minimum, a family support services coordinator and a budget to provide services to families and children involved with the court.

Services

Each jurisdiction in Maryland has developed a spectrum of core services to assist families and children involved with the Maryland legal system. Some services are provided directly by the court. Others are made available to litigants, when appropriate, by making a referral to a private non-profit organization or government agency. Services provided through the family divisions and family services programs fall into five groups, as illustrated below in Table 2.

Table 2. Types of Services Offered to Families and Children

Service Type	Definition	Examples
DISPUTE RESOLUTION SERVICES	These resources encourage parties to settle their dispute in a manner other than by going to trial.	Child Access Mediation Marital Property Mediation Volunteer Settlement Panels Facilitation Dependency Mediation Parent-Teen Mediation Settlement/Pretrial Conferences
EVALUATIVE SERVICES	These programs provide the court with essential information needed when the court must make a decision for a family.	Custody Evaluations Home Studies Mental Health and Psychological Evaluations Substance Abuse Assessments
EDUCATIONAL AND THERAPEUTIC SERVICES	These programs educate parents, children and others involved in the case, in an effort to assist the family in transition. They can also provide therapeutic assistance for families or individuals who need it.	Co-parenting Education Parenting Programs for Parents of At-Risk Youth Parenting Programs for Never Married Parents Psycho-educational Programs For Children Individual, Group & Family Therapy Anger Management Courses Substance Abuse Treatment
SAFETY AND PROTECTION SERVICES	These resources are designed to ensure the safety of adults and children.	Emergency Mediation and Crisis Intervention Domestic Violence Safety Planning Domestic Violence Coordinators Visitation Services
LEGAL SERVICES	These programs are designed to expand access to the justice system for those of limited means.	Pro Se Assistance Projects Domestic Relations Forms Information & Referral Centers Domestic Violence Advocacy CASA Programs Web Sites , Publications, Videos Orientation Programs

FAMILY DIVISIONS &
FAMILY SERVICES PROGRAMS

The goal of providing a family support services coordinator in each jurisdiction was met in Fiscal Year 2001. With those key individuals in place, the judiciary was poised in Fiscal Year 2002 to expand the range and reach of services available to families across the State. Table 3 illustrates the type of services available in each jurisdiction. Figure 1 reflects the percentage of jurisdictions offering each specific service. It demonstrates the judiciary's success over the last three years in promoting universal access to these core services across the state.

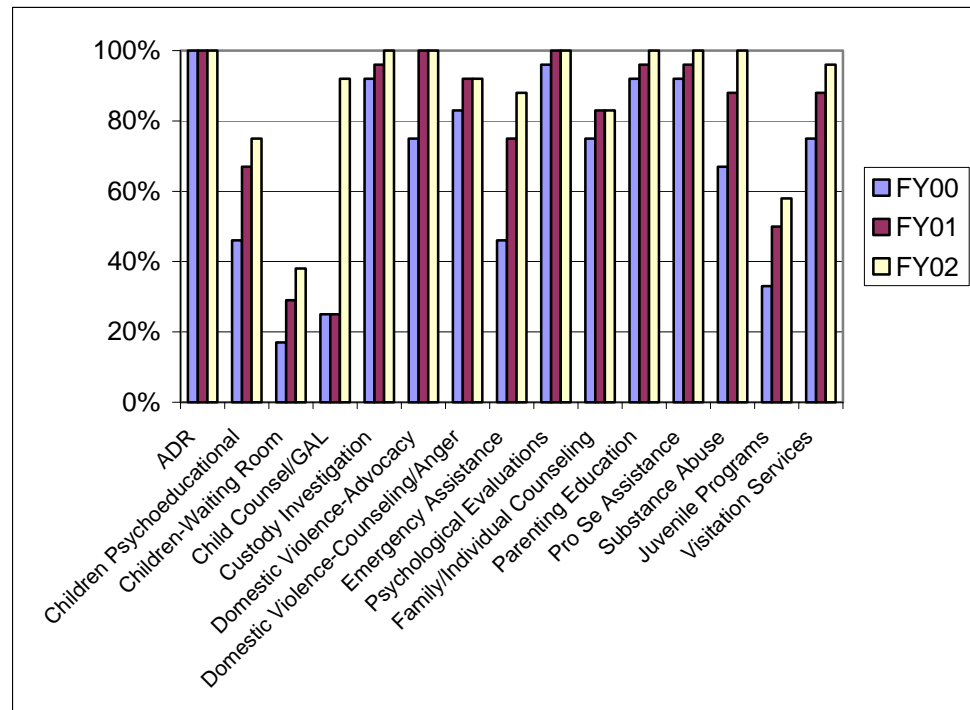


Figure 1. Percentage of Maryland Jurisdictions Offering Specific Family Support Services in Fiscal Years 2000, 2001 and 2002

FAMILY DIVISIONS &
FAMILY SERVICES PROGRAMS

Table 3. Services Available Through the Family Divisions and Family Services Programs

[illegible]

Alternative Dispute Resolution

Ultimately the decisions the parties make for themselves will be the most long-lasting.

Dispute Resolution programs have become a cornerstone of family case management throughout the Maryland court system. At scheduling conferences, masters, judges and coordinators identify issues that require a prompt resolution, or where the parties may be likely to agree. The parties may be asked to meet that day with a volunteer attorney facilitator who can help them resolve issues immediately without going to trial. Other jurisdictions offer on-site mediation of emergency issues to help the parties resolve an immediate crisis. Domestic cases that remain in a contested posture are referred for child access or marital property mediation, if appropriate. Mediation is increasingly being used in other case types – to promote a resolution in which all parties have a stake. In pre-trial conferences, masters and judges use settlement skills that have been enhanced by in-depth mediation training. At each stage of litigation, parties are offered the opportunity to “reclaim” the process and make key decisions for themselves and their children. The Maryland Judiciary recognizes that ultimately the decisions the parties make for themselves, will be the most long-lasting.

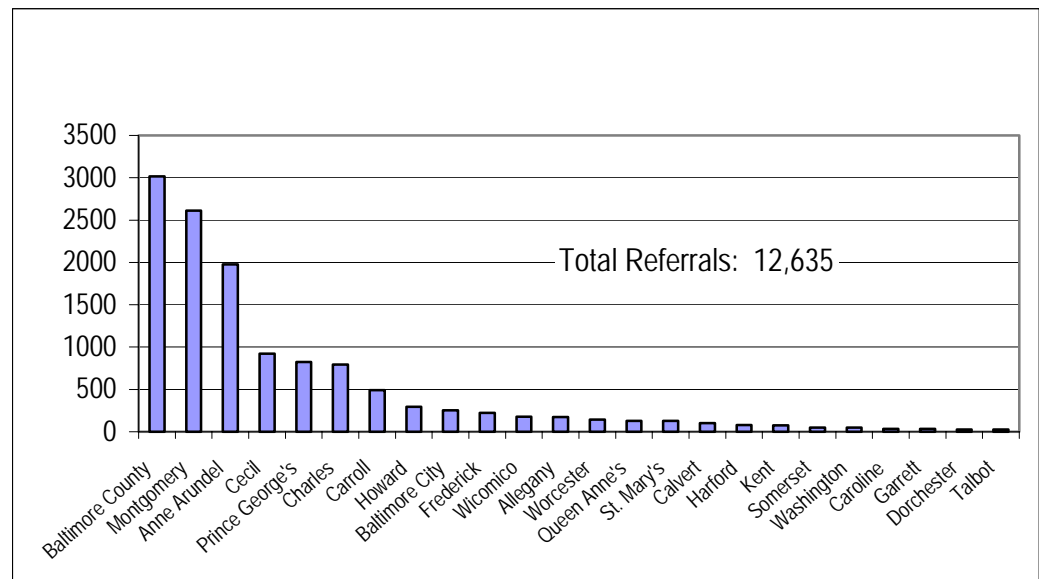


Figure 2. Cases Referred to Alternative Dispute Resolution Programs - FY02

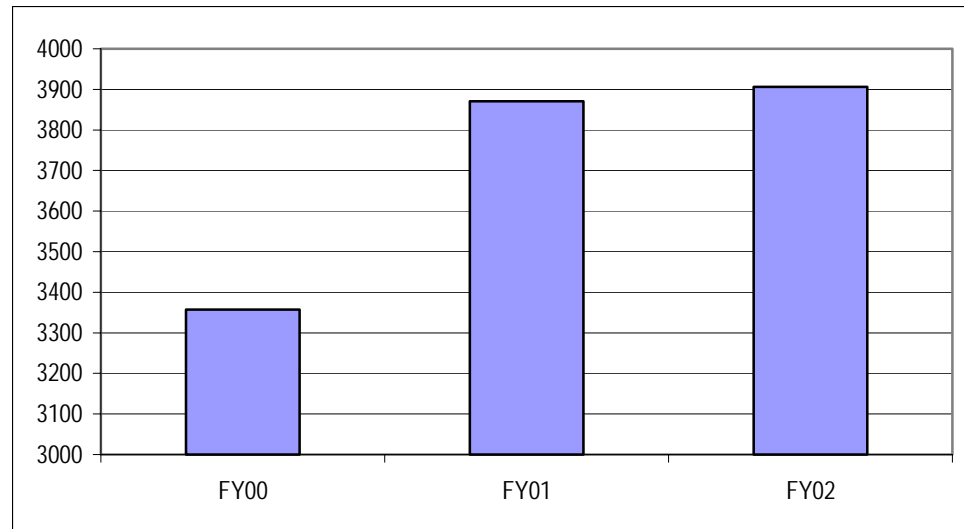


Figure 3. Referrals to Child Access Mediation - FY00, FY01 and FY02

Co-Parenting & Other Forms of Education

All Maryland jurisdictions have built some form of co-parenting education into their family case management plan. Pursuant to Maryland Rule 9-204, courts may require parties to a case in which child support, custody or visitation is at issue to attend “an educational seminar designed to minimize disruptive effects of separation and divorce on the lives of children.” Courses follow the requirements of 9-204 in providing one or two sessions totaling 6 hours of instruction.

Educating parents about the need to put “children first” promotes better family decisions and improved communication.

Co-parenting education helps parents understand the impact that divorce and separation has on children. Most courses include a component on the developmental stages children experience as they grow, and provide information to assist parents in responding to the needs of their children in a developmentally appropriate way. Many courses prepare parents for the mediation process. By re-focusing parents and helping them put their “children first,” these programs increase the likelihood that parents will be able to communicate effectively in caring for children post-divorce.

FAMILY DIVISIONS &
FAMILY SERVICES PROGRAMS

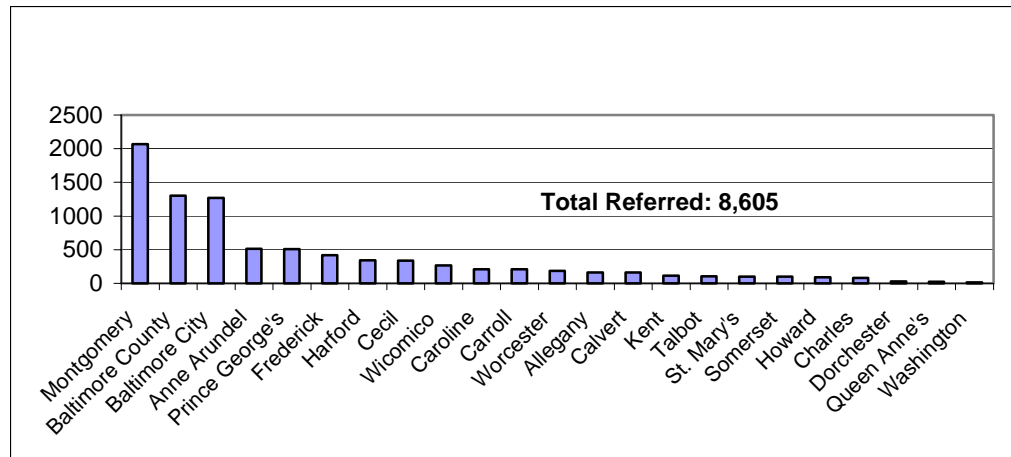


Figure 4. Cases Referred to Co-Parenting Education – FY02

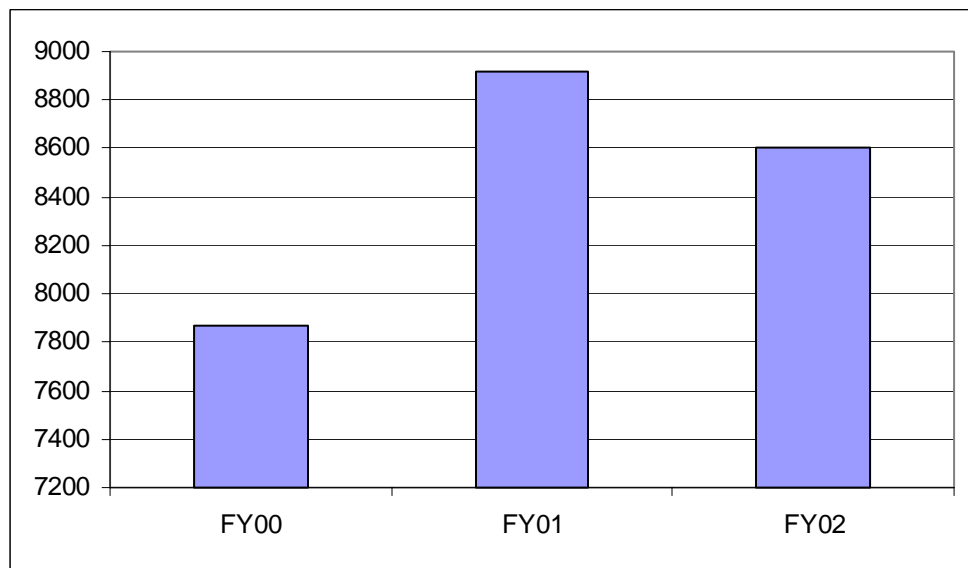


Figure 5. Referrals to Co-Parenting Education – FY00, FY01 and FY02

Who Benefits from Co-Parenting Education?

To be effective, educational programs must be designed to meet the needs of participants. In order to learn who those participants are, individual jurisdictions began gathering data in Fiscal Year 2002. The demographic information gathered was compiled by the Department of Family Administration and is portrayed in the following charts. The data reflects the individuals who actually attend co-parenting education. It can also provide a glimpse of the litigant population in family cases. This glimpse may be somewhat misleading however. For example, non-English speakers may not be referred to classes in some instances if it is perceived that they will not be

able to participate effectively. By collecting this data, however, individual jurisdictions can compare their program demographics with other demographic data for their region to ensure their programs are meeting the needs of local residents. Ultimately, the data gathered will be used to help refine existing programs and design new ones that better meet the needs of those we serve.

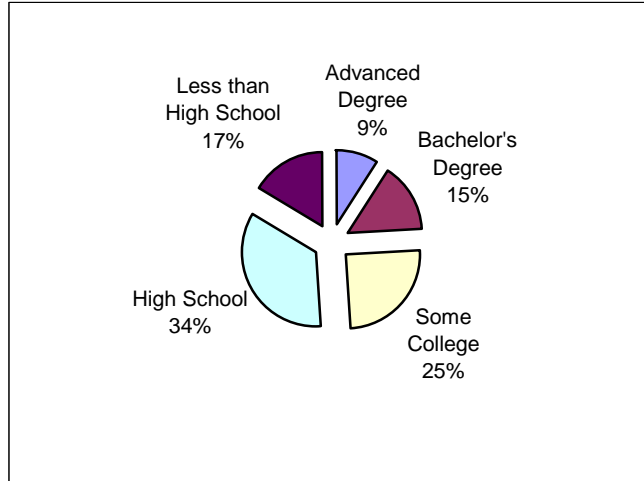


Figure 6. Education Level of Co-Parenting Participants

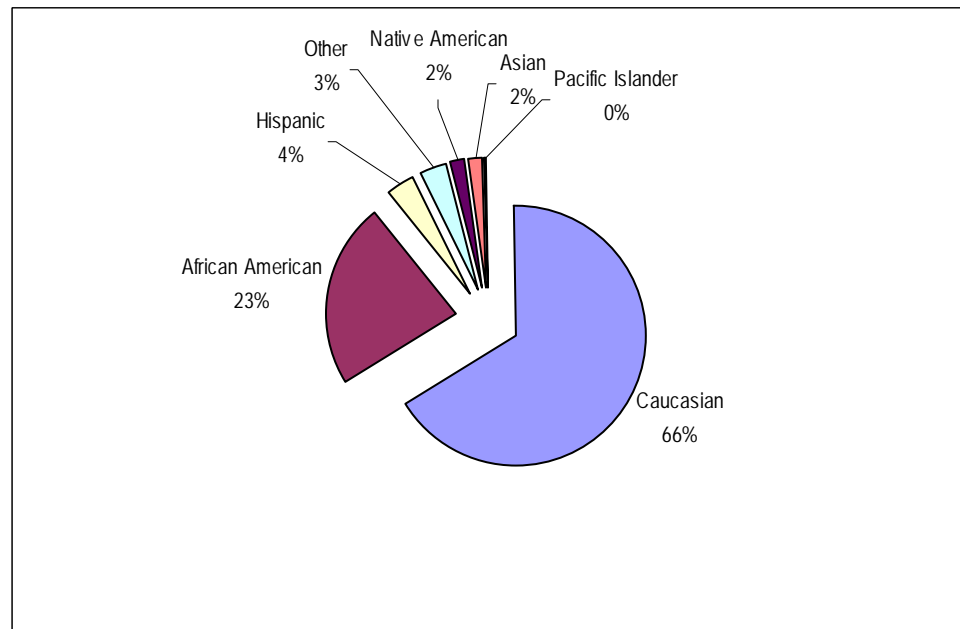


Figure 7. Self-identified Ethnicity of Co-parenting Participants

FAMILY DIVISIONS &
FAMILY SERVICES PROGRAMS

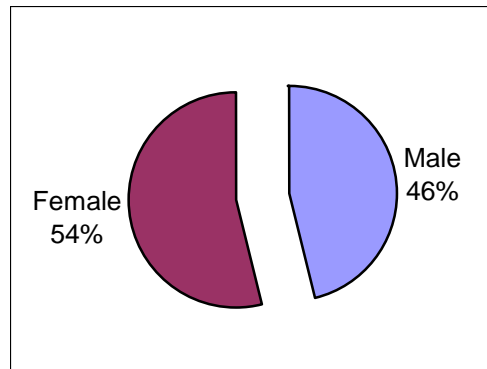


Figure 8. Gender of Co-parenting Participants

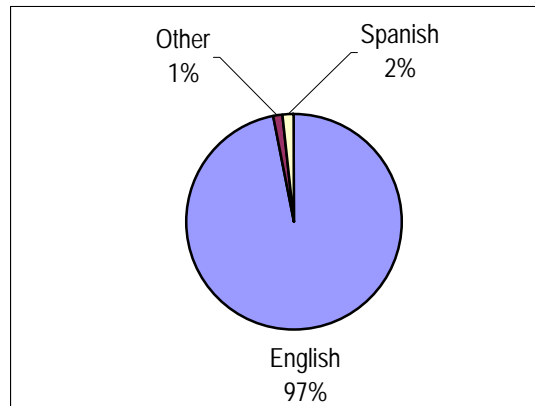


Figure 9. Primary Language of Co-Parenting Participants

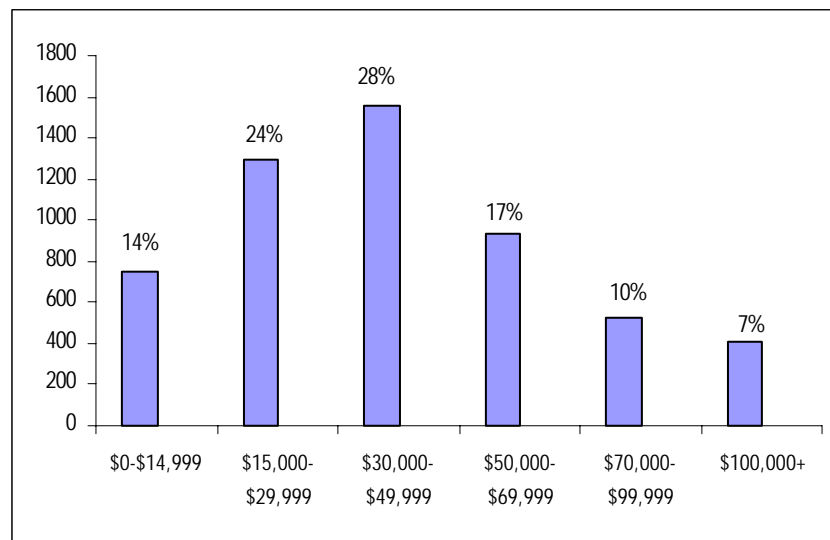


Figure 10. Household Income of Co-Parenting Participants

Custody Evaluations

Custody evaluations provide critical information to help the court understand what is in a child's best interest. Evaluations are usually conducted by social work or mental health professionals. They may include individual interviews with the parties and their children as well as collateral interviews with teachers, medical providers, therapists, neighbors and extended family members. Often evaluators will visit the home of each party or parent and will review medical, educational and other relevant records. Custody evaluations synthesize critical information to provide a comprehensive picture of the child's developmental, psychological, intellectual, medical and physical needs and the ability of each parent to meet those needs.

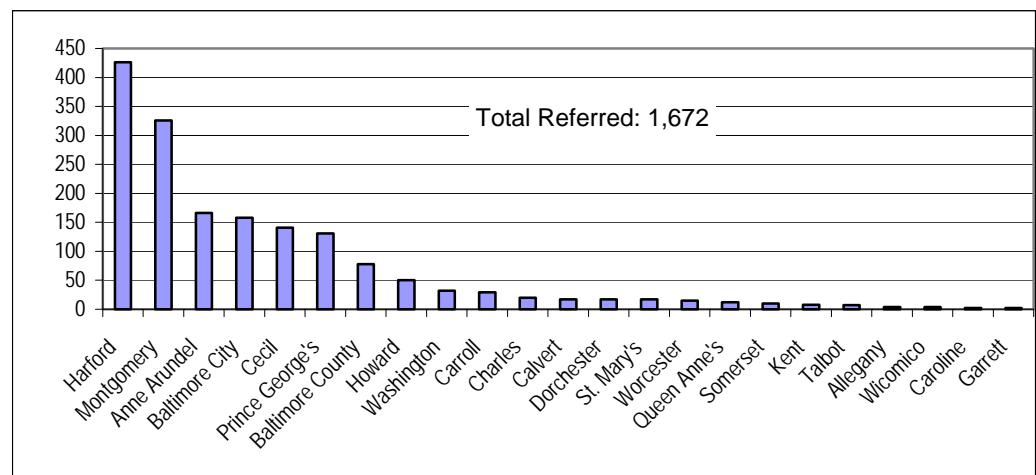


Figure 11. Custody Evaluation Referrals - FY02

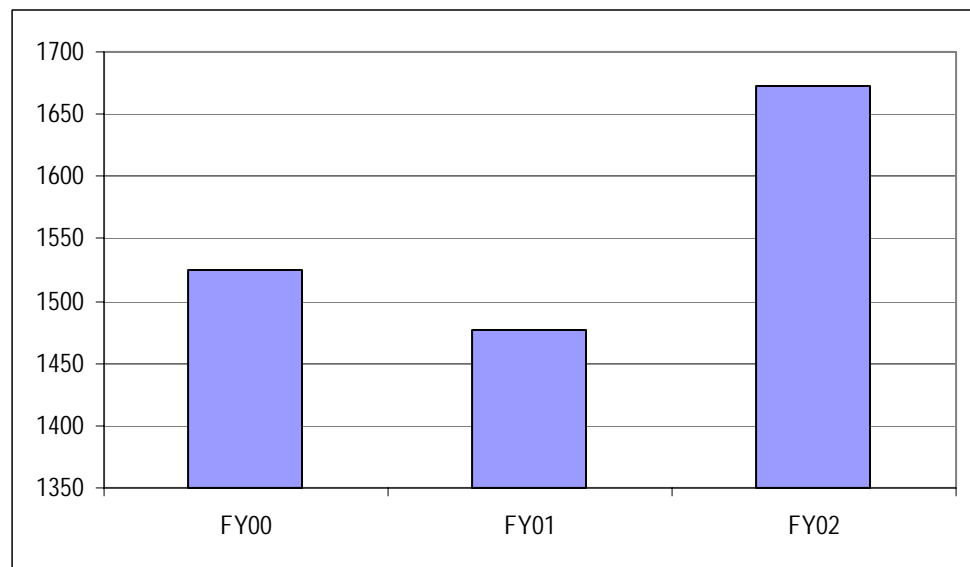


Figure 12. Custody Evaluation Referrals Statewide - FY00, FY01 and FY02

Mental Health Evaluations

When the mental health of a child or parent is at issue, a judge depends upon a court-appointed expert to identify whether and to what extent mental illness or disability is a factor. That expert also helps the court evaluate the impact of any illness upon an adult's ability to parent. The expert may also provide important information on the specific developmental or psychological needs of the child. Complete mental health evaluations may not often be necessary, but when they are, they are critical if the court is to make a valid best interest determination.

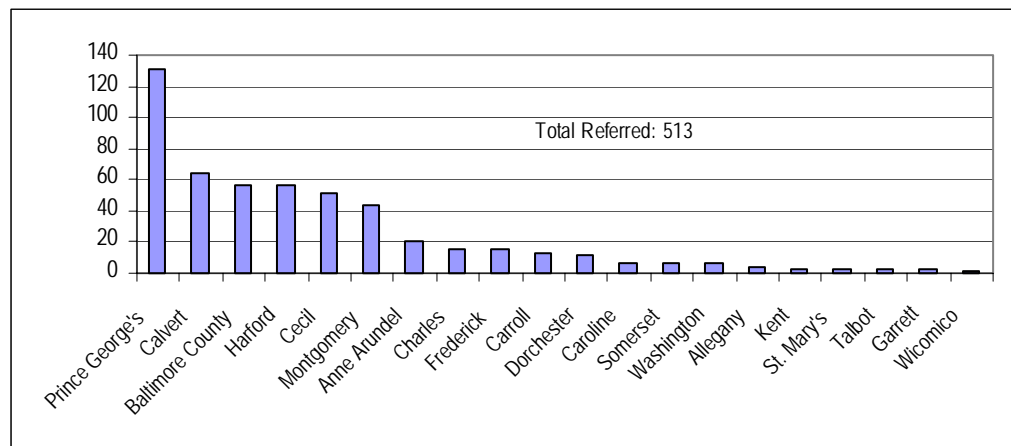


Figure 13. Cases Referred for Mental Health Evaluations - FY02

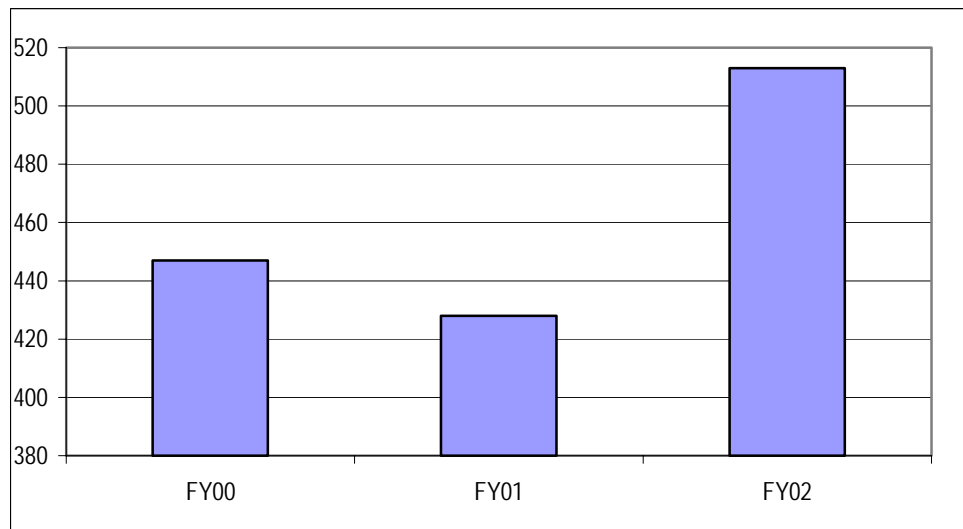


Figure 14. Referrals for Mental Health Evaluations - FY00, FY01 and FY02

Pro Se Assistance Projects

Demand for pro se assistance has increased 36% in two years.

Maryland Circuit Courts have emphasized the key value of “access to justice” in designing family divisions and family services programs. The judiciary seeks to ensure that all litigants, regardless of income or representational status, are treated fairly when they become involved with the family justice system. The judiciary promotes access to the family justice system in a variety of ways including the operation of on-site legal clinics called “Pro Se Assistance Projects.”

These court-operated walk-in clinics have proven to be very effective in providing access to the family justice system for thousands of individuals. It is often difficult for litigants in a domestic case to obtain the assistance of counsel. Families are typically supporting two households on the same amount of income they formerly had to support one. Few legal services programs are able to provide representation in these cases because of the unpredictability of these cases and the large number of hours they typically require. The development of Domestic Relations Forms and the establishment of Pro Se Assistance Projects have permitted many families to proceed.

Pro se assistance providers interview litigants to determine whether their case is appropriate for self-representation, assist individuals in completing the forms, and provide basic information and legal advice. The high demand for this service is reflected in the statistics in the tables below. Use of these programs has increased 36% in the last two years.

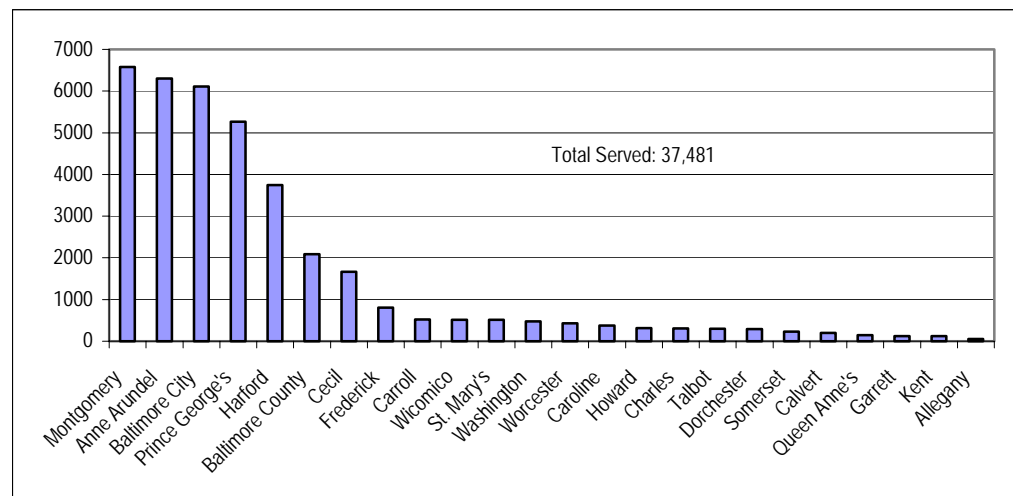


Figure 15. Individuals Served by Pro Se Assistance Projects - FY02

FAMILY DIVISIONS &
FAMILY SERVICES PROGRAMS

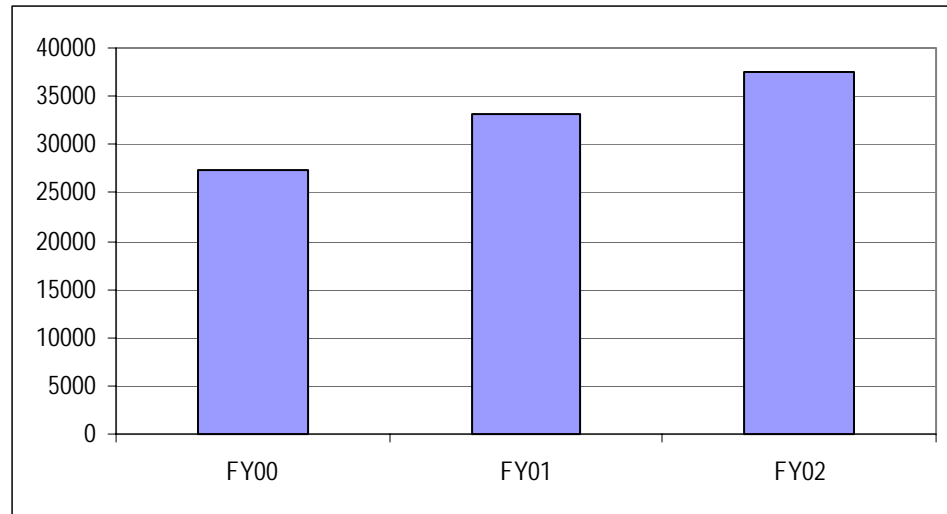


Figure 16. Growth in Use of Pro Se Assistance Programs - FY00, FY01 and FY02

Psycho-educational Programs for Children

More courts offer psycho-educational programs for children than in previous years. Two years ago 46% of Maryland jurisdictions offered these programs; today 75% offer them. These programs range from educational courses to multi-session group therapy for children experiencing divorce and separation. Parents often express a desire that the courts provide something to assist their children in understanding the changes occurring in their family. These programs were developed in response to that need.

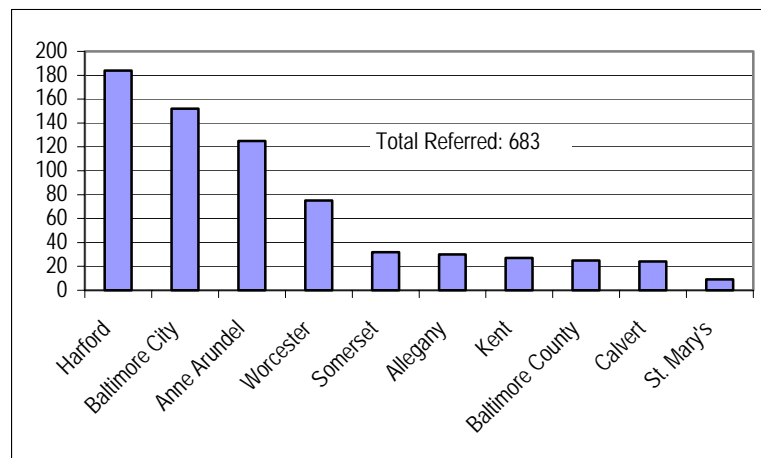


Figure 17. Cases Including Referrals to Children's
Psycho-educational Programs - FY02

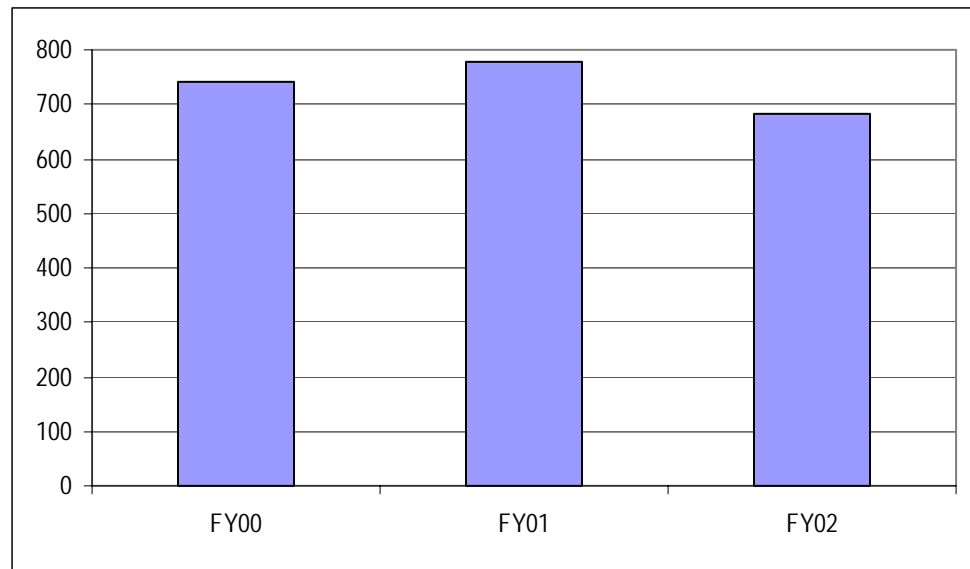


Figure 18. Use of Children's Psycho-educational Programs - FY00, FY01 and FY02

Visitation Services

Visitation services promote family relationships and parent-child access while preserving the safety and security of family members. Visitation services are key resources for families where there has been a history of violence. They have been recognized as important tools for courts in promoting the enforcement of child support orders. By fostering contact and relationships between non-custodial parents and their children, they increase the likelihood that those parents will fulfill their support responsibilities.

Visitation services usually take two forms. Monitored exchange services provide a neutral setting where parents can drop off and exchange children before and after visits. Supervised visitation services are more resource-intensive. When supervised visitation is ordered, visitation professionals oversee a parent-child visit at a neutral location. Visitation staff may provide a structured activity for parents and children to participate in together. At most centers, visitation staff report to the court on the frequency, consistency and quality of the interaction between parent and child. In Fiscal Year 2002, 890 cases received supervised visitation services; 963 cases benefited from the use of monitored exchange programs.

FAMILY DIVISIONS &
FAMILY SERVICES PROGRAMS

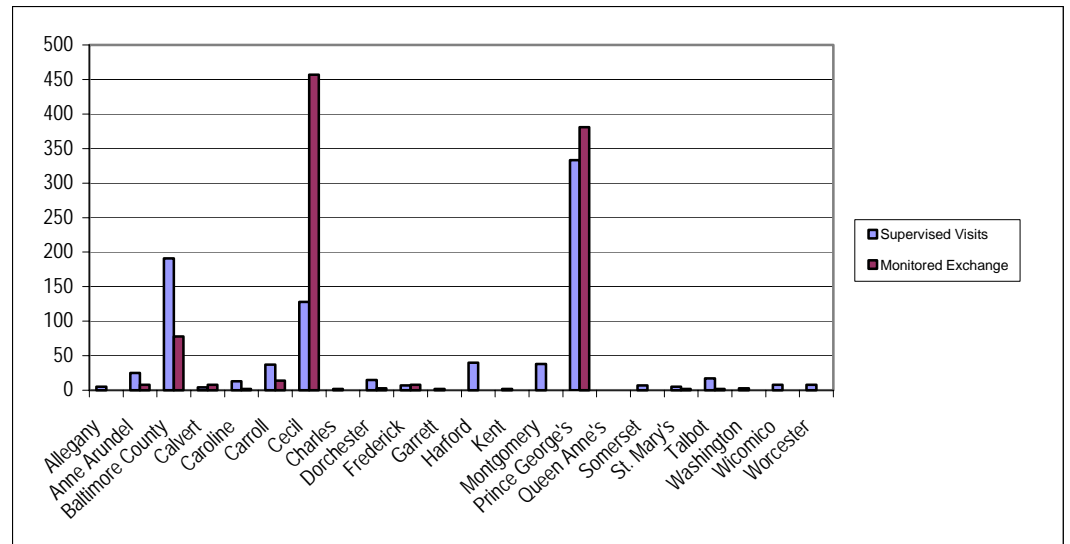


Figure 19. Visitation Services Provided - FY02

Access to Justice

Opening the Door to the Courthouse

Maryland recognizes that no system of family justice can be effective unless it addresses the needs of all who come before it. Three performance standards have been designed to help us ensure that we are meeting our goal of providing equal and effective access to the family justice system.

Standard 1.1 Equal Access

Maryland's family divisions ensure that court services are accessible equally to all litigants, regardless of race, ethnic background, religious affiliation, or socio-economic status.

HIGHLIGHTS

The Maryland Judiciary continued its commitment to keep the door open for all in a variety of ways during Fiscal Year 2002:

1. Courts collected demographic data on users of key services to help us ensure resources are available to all, and to help us design programs to meet the specific needs of court customers.
2. The judiciary began collecting important data on the number of pro se appearances at each stage of a family case. This data will help us gauge the need for programs that assist the unrepresented, and assist the state in evaluating the need for legal services programs.
3. Pro se assistance projects were extended to all jurisdictions in Maryland. The use of the free walk-in clinics rose by 36% over the last two years.
4. Domestic relations forms are provided online via the judiciary website, www.courts.state.md.us/family. Forms have recently been converted to a fillable field format for easier use and to improve the quality of pro se filings.

5. The judiciary adopted a policy to provide foreign language interpreters in all civil matters, effective July 1, 2002. This will greatly enhance the court's ability to serve non-English speakers.
6. The Department of Family Administration continued to make improvements to the family website. Each jurisdiction was aided in revising and updating its page. Forms were modified and updated in response to user comment.
7. A survey was conducted to evaluate the impact of the *Guidelines of Advocacy for Attorneys Appointed in CINA, TPR and Related Matters*. Results will help attorneys, judges and masters ensure better representation for children.

Standard 1.2 Cost of Access

Maryland's family divisions ensure that court services are accessible equally to all litigants, regardless of their ability to pay for the services, and supply certain core services.

HIGHLIGHTS

The judiciary has adopted a number of practices and undertaken several key initiatives to improve access to the family justice system for individuals of limited means:

1. All jurisdictions continue to use a uniform fee waiver scale to grant waivers of fees associated with family services.
2. The petition for filing fee waiver form was modified to assist the courts in evaluating fee waiver petitions for incarcerated individuals.
3. The Department of Family Administration is working with the Pro Bono Resource Center of Maryland on the implementation of new rules designed to improve pro bono participation by Maryland attorneys. A Standing Committee on Pro bono has been appointed and each jurisdiction is in the process of setting up local committees to develop a pro bono plan. One of the new rules requires all Maryland attorneys to report on pro bono activities for the year. The first reports are due in February 2003.

Standard 1.3 Safety, Accessibility and Convenience

Maryland's family divisions aspire to ensure that court facilities are safe, accessible, and convenient to use, and they aspire to develop a strategic plan to implement this standard by working with domestic violence advocacy groups and local governments, among others.

HIGHLIGHTS

Key progress in providing a safe, accessible and convenient environment include the following:

1. Jurisdictions have improved safety and accessibility by opening child waiting areas and in some cases, by installing changing tables in all courthouse restrooms.
2. Key legislation and a constitutional amendment that passed during the 2001 Legislative Session will permit District Court Commissioners to hear requests for temporary protection from domestic violence when the court is in session. This will provide access to protection from family violence 24-hours per day, seven days per week. Voters ratified the amendment in the November election; the amendment will take effect December 18.

Special Project Grants

The Department of Family Administration at the Administrative Office of the Courts promotes access to the family justice system by providing Special Project Grants. Grants are made each year to programs which enhance the experience of families and children involved with Maryland's legal system. Most funded projects provide legal assistance and other services designed to increase access to the family justice system. Funding priority is also given to programs that serve domestic violence victims seeking protection through the court, as well as those that provide innovative family services to address the unmet needs of litigants and their families.

Mid-year grants are also provided to Circuit Courts to initiate new projects or fulfill critical needs pending the regular budget cycle.

Revised Grant Administration Policies

In Fiscal Year 2002, the Department of Family Administration revised its grant administration procedures and practices to ensure that all eligible applicants learn about funding opportunities, and have an opportunity to compete for funds. An internal grant review team was established to ensure that funding decisions are made in a manner that is fair and consistent. Finally, grant monitoring procedures were improved. The written quarterly report was revised in consultation with current grantees and streamlined to dovetail with the reports many grantees must submit to the Maryland Legal Services Corporation. A site visit questionnaire was established and regular site visits were instituted.

Grant Awards in FY2002

During Fiscal Year 2002, grant awards were made to support the following programs:

Table 4. Special Project Grants – FY02

Grantee	Project
House of Ruth	Protective Order Advocacy Representation Project (POARP)
House of Mercy	Southwest Alliance Legal Advocacy Project
Life Crisis Center	Domestic Violence Legal Services
Maryland Legal Services Corp.	Maryland Legal Assistance Network
Maryland Legal Services Corp.	Contested Custody Representation
Md. Volunteer Lawyers Service	Safenet
Md. Volunteer Lawyers Service	Washington Co. DVLS
Pro Bono Resources Center	Promotion of Pro Bono Services
Women's Ctr. of Southern MD	Domestic Violence Legal Services
Women's Law Center	POARP
Women's Law Center	Pro Se Forms Helpline
YWCA	Domestic Violence Legal Services
Clerk, Wicomico Co Cir Ct	Domestic Clerk
Dorchester Co. Circuit Ct.	Family Services Program - shortfalls
Charles Co. Circuit Court	Family Law Assignment Clerk
YWCA	Domestic Violence Legal Services - Arden House Advocate
Women's Ctr Southern MD	Equipment
Baltimore City Cir. Ct.	Juvenile Justice Ctr, Child Waiting Room
Mont. Co. Divorce Roundtable	Conference - March 2003
Garret Co Circuit Ct.	Mediation Project
Garret Co Circuit Ct.	Visitation and Monitored Exchange
Baltimore City Cir. Ct.	Juvenile Court Coordinator Positions
Allegany Co Cir. Ct.	Visitation Center

Expedition & Timeliness

Stabilizing Families Quickly and Effectively

The judiciary has an obligation to resolve all cases in a timely and efficient manner. This is especially imperative in family matters. We know that the period of time before a divorce is granted is a critical one for families where there has been a history of violence. A quick and expeditious resolution of the matter helps protect potential victims from further abuse. We also know that children suffer when their future is uncertain. It is important to resolve child access and support issues quickly so that families in transition can stabilize as quickly as possible.

Maryland's family divisions have adopted several standards that promote the timely and expeditious resolution of family case types.

Standard 2.1 Case Management System

In order to provide for the fair, reasonable and expeditious resolution of all issues arising in family legal matters, Maryland's family divisions manage and operate a case management system that compels timely discovery and fruitful settlement negotiations with a view toward limiting the issues requiring trial.

During the one-year period from July 1, 2001 through June 30, 2002, Maryland's Circuit Courts initiated 133,334 family cases. This represents 63% of all civil legal matters, and 46% of the overall Circuit Court caseload. See *Figure 20* below.

EXPEDITION & TIMELINESS

Table 5. Total Family Case Types Filed or Re-opened in Fiscal Year 2002

Jurisdiction	Divorce/Annul	Other Domestic	Adoption/ Guard (adult)	Paternity	DV	Juv-Del	Juv-CINA	Juv-CINS	Juv-Guard	Juv-Adopt	Total
Allegany	558	482	26	343	20	405	39	15	1	0	1889
Anne Arundel	3364	713	405	595	359	2519	107	0	2	3	8067
Baltimore City	3123	1839	185	7103	507	7399	2019	115	521	639	23450
Baltimore Co.	4860	2740	317	1023	783	3947	527	15	68	5	14285
Calvert	784	773	49	992	130	603	87	3	0	0	3421
Caroline	270	254	5	322	60	306	29	0	10	0	1256
Carroll	898	591	128	128	404	1090	37	14	0	0	3290
Cecil	906	1454	44	1491	105	403	69	0	57	0	4529
Charles	1040	981	47	1296	404	990	24	0	4	7	4793
Dorchester	256	320	25	55	52	123	22	0	1	15	869
Frederick	1385	1055	95	632	46	2019	153	21	17	0	5423
Garrett	178	212	11	85	26	89	38	11	25	5	680
Harford	1680	1614	93	1405	375	663	186	0	30	0	6046
Howard	1305	701	80	524	215	1054	242	3	14	0	4138
Kent	170	156	6	204	44	80	10	0	1	0	671
Montgomery	5435	959	1893	2094	765	3713	194	2	43	30	15128
Prince George's	6260	3311	127	3993	751	4115	345	3	28	30	18963
Queen Anne's	241	142	6	186	7	177	23	6	6	2	796
St. Mary's	580	460	21	487	162	348	19	0	2	0	2079
Somerset	179	291	1	641	86	131	31	12	0	0	1372
Talbot	352	341	8	358	32	423	15	2	15	1	1547
Washington	1119	1805	41	1274	32	686	86	3	22	12	5080
Wicomico	712	681	29	903	42	571	47	3	2	0	2990
Worcester	442	629	18	1185	49	239	10	0	0	0	2572
TOTALS	36097	22504	3660	27319	5456	32093	4359	228	869	749	133334

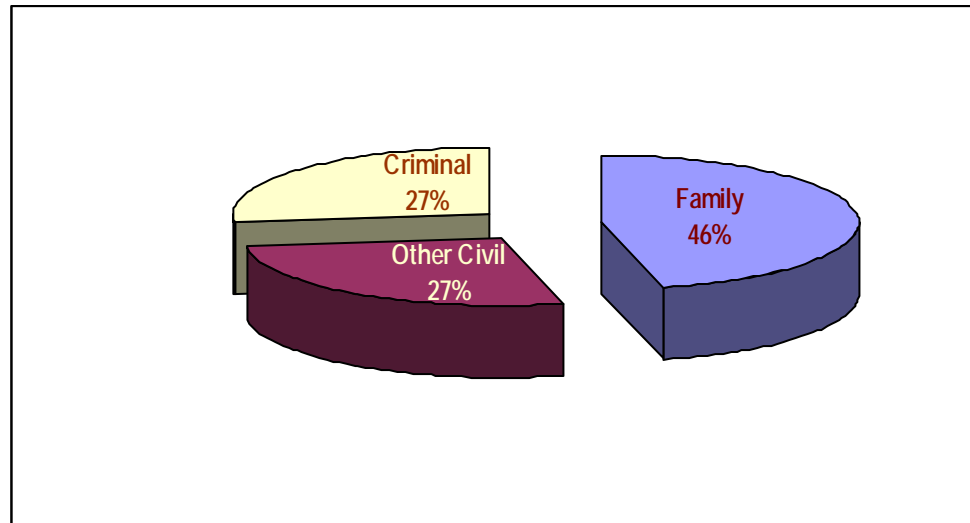


Figure 20. Family Caseload as a Percentage of Overall Circuit Court Caseload

Family cases not only constitute the lion's share of Circuit Court cases, but they can also be extremely complex and time consuming. Cases involving child access issues (custody and visitation) can be especially time consuming and require more resources than other family cases. These cases, when contested, are the ones being referred for co-parenting education, child access mediation, custody evaluations, mental health evaluations, and substance abuse assessments. One measure of the work of family divisions is to look at the number of child access cases handled by the Circuit Courts. The Department of Family Administration began tracking the number of child access cases handled each year in each jurisdiction. Problems remain in the accuracy of the data collected to date. Resolution of these issues should produce valuable information about the number of child access cases as a percentage of the total, and should aid the courts in ensuring that these cases are handled expeditiously.

Maryland courts continued to refine case management strategies to ensure the prompt resolution of all family cases during Fiscal Year 2002:

1. An initial assessment was completed as part of the judiciary's case time standards initiative. Each court was asked to develop a plan for improving expedition and timeliness. The judiciary is preparing to undertake a follow-up assessment over the coming year.
2. The Department of Family Administration provided grants to the Circuit Court for Baltimore City to add juvenile court coordinators to help manage cases.

3. The Department of Family Administration hired a TPR Court Coordinator , hired in FY03, to oversee case management reform to ensure that termination of parental rights cases are concluded within 180 days as required by statute.
4. Funding was secured to permit each judicial circuit in FY03 to hire permanency planning liaisons. Liaisons will work with the TPR Court Coordinator to improve TPR case management on the local level.
5. The Foster Care Court Improvement Project funded grants to improve the ability to locate and serve parents quickly in TPR cases, and to promote the use of ADR in these cases – all in an effort to streamline time to disposition.
6. Rural jurisdictions have increasingly implemented case management strategies that have been effective in larger jurisdictions. For example, Caroline County reported a 41% increase in the use of scheduling conferences in domestic cases.
7. A number of jurisdictions, including Anne Arundel and Prince George's Counties have revised their Family Differentiated Case Management Plan.

Standard 2.2 Protection of Victims of Domestic Violence

The practices and procedures of Maryland's family divisions maximize protection efforts for victims of domestic violence by ensuring access to the courts, coordination of other family matters with domestic violence proceedings, and by securing a comprehensive understanding of individual and family history relative to violent conduct. The family divisions conduct adequate, independent screening and identify important family needs via an established domestic violence protocol. Maryland's family divisions endeavor to hear all *ex parte* petitions for relief from domestic violence as soon as possible after the alleged victim's entry into the court facility.

The Maryland Judiciary has continued its efforts to protect victims through a variety of ways. During Fiscal 2002, the judiciary and the family divisions have improved protection efforts through legislative change, improved coordination of cases, and a continued commitment to provide easily accessible legal services for victims seeking the protection of the courts.

Circuit Courts connect victims with safety planning and legal services.

All Circuit Courts refer individuals seeking protection to appropriate programs where they can receive safety planning, legal advice and information, and in some cases, representation. All Circuit Courts also make referrals for anger management and

other treatment alternatives to address violent behavior.

During Fiscal Year 2002, efforts to enhance the courts' role in providing protection have included the following:

HIGHLIGHTS

1. As aforementioned, the judiciary successfully pursued the passage of legislation that would permit District Court commissioners to hear petitions for protection during all hours that the courts are not in session. This will ensure victims access to protection 24-hours per day, seven days per week. That legislation, which included a constitutional amendment, was ratified by the voters in the November election and will take effect December 18, 2002.
2. The Department of Family Administration continued funding for domestic violence legal services programs across the state through Special Project Grants.
3. The judiciary was able to extend of the Protective Order Advocacy Representation Project (POARP) model into Baltimore County Circuit Court. That project, operated by the House of Ruth and Women's Law Center, was funded by a VAWA S*TO*P grant and opened its doors in January, 2002.
4. The Department of Family Administration added a Family Services Administrator – Domestic Violence. This professional position has permitted the department to focus more directly on domestic violence policy development. This position is also a point person for the coordination of domestic violence initiatives between the District Court and family divisions, and is responsible for monitoring the performance of Special Project Grantees, including domestic violence legal services providers.
5. Improvements were made in the collection of data from domestic violence-related Special Project Grantees to help understand who benefits from the programs, and ensure that those programs are having a positive impact on victims and on the management of domestic violence cases.

Services to Victims of Domestic Violence

Through the Special Project Grant program, the Department of Family Administration has placed a special emphasis on ensuring that victims of domestic violence can effectively access the family justice system. During Fiscal Year 2002, eight (8) Special Project Grants were awarded to organizations that provide safety planning, legal advice and representation to victims of family violence. Many of these programs, including the several Protective Order Advocacy Representation Projects (POARP) provide on-site support within the courthouse. By serving the public from within the courthouse, these local advocacy groups are able to eliminate many of the obstacles that preclude

victims from obtaining protection and relief. Some programs are able to provide extended representation to victims in related domestic matters (divorce and custody cases) using Special Project Grant funds, or in some cases, other funding sources. One of the 8 programs funded was the Montgomery County POARP. That program had been initiated with federal dollars, the costs for which were assumed by the Department of Family Administration in Fiscal Year 2002.

This has permitted the judiciary to use those federal dollars to expand service to victims into another jurisdiction. In Fiscal Year 2002 the Department of Family Administration received a Violence Against Women Act S*T*O*P grant to fund a new POARP office in the Circuit Court for Baltimore County.

The charts below reflect the volume and type of services provided by Special Project Grantees serving victims. The quarterly report we receive from grantees was revised mid-year to improve the quality of data collected, and to simplify the reporting process for grantees. The new report was designed to dovetail with reports most grantees also have to prepare for the Maryland Legal Services Corporation. As a result of these changes, however, consistent data is available only for the 3rd and 4th Quarters of Fiscal Year 2002. That data is reflected below.

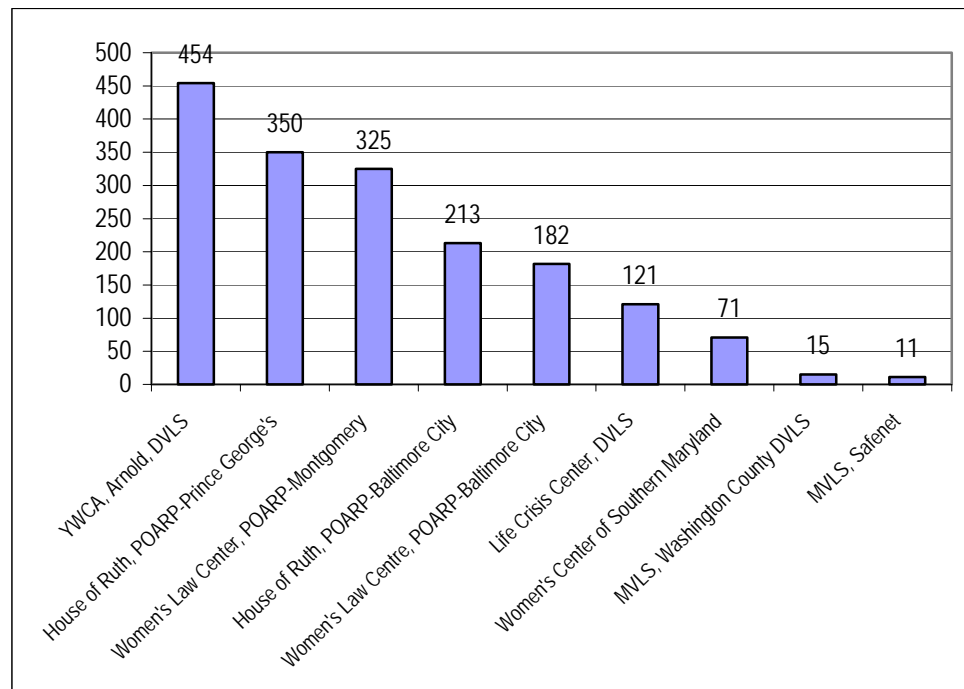


Figure 21. Special Project Grantees Serving Victims of Domestic Violence –
No. of Intakes by Grantee (3rd & 4th Qtrs, FY02)

EXPEDITION & TIMELINESS

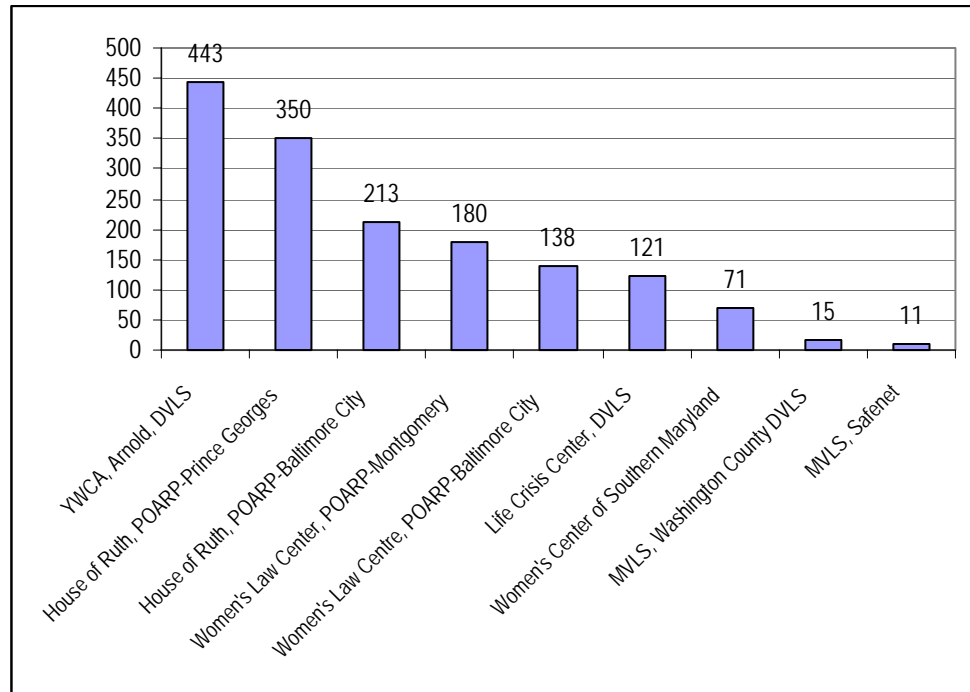


Figure 22. Special Project Grantees Serving Victims of Domestic Violence – No. of Cases Accepted by Grantee (3rd & 4th Qtrs, FY02)

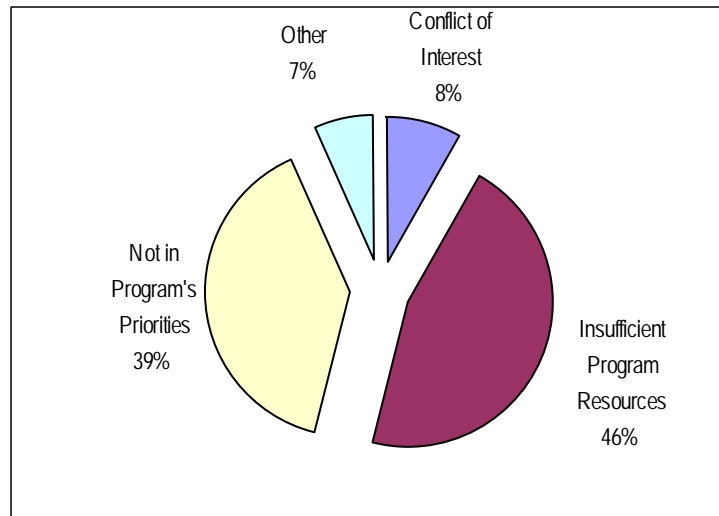


Figure 23. Special Project Grantees Serving Victims of Domestic Violence - Reasons for Cases Rejected (3rd & 4th Qtrs, FY02)

EXPEDITION & TIMELINESS

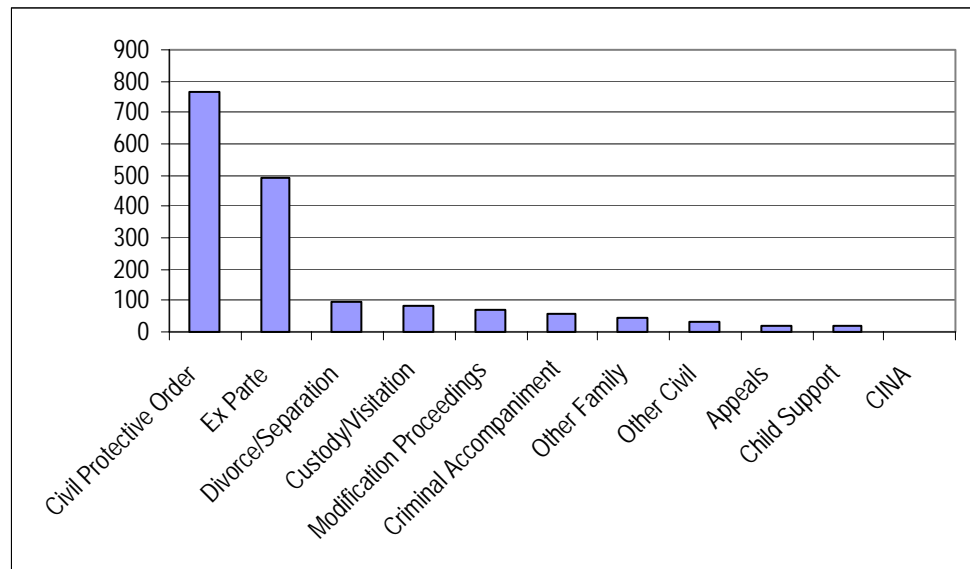


Figure 24. Special Project Grantees Serving Victims of Domestic Violence – Type of Legal Problem Addressed (3rd & 4th Qtrs, FY02)

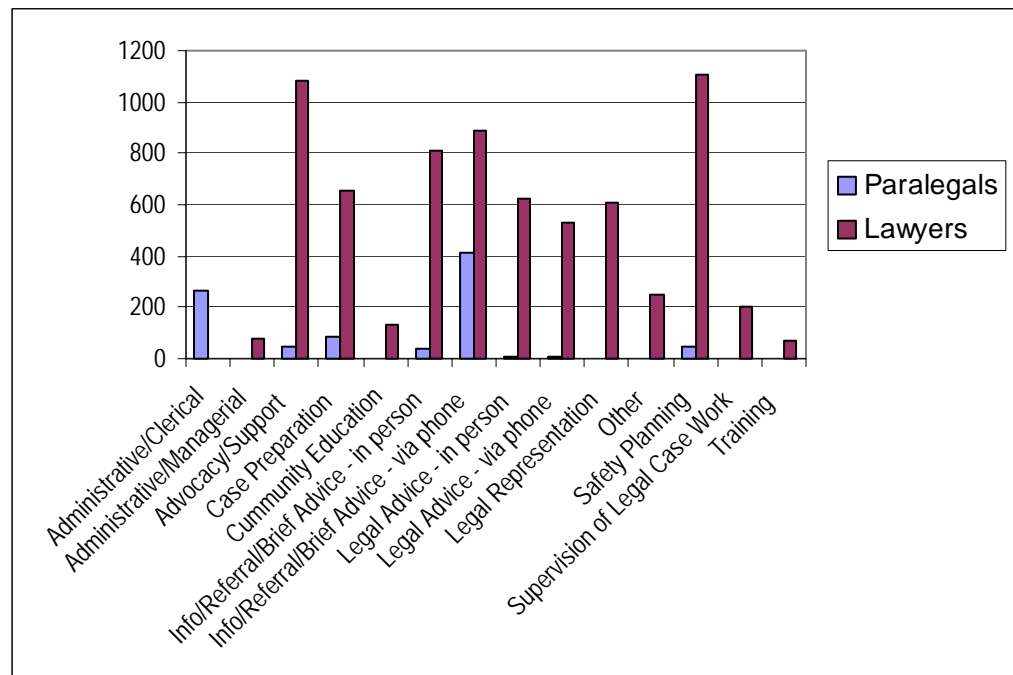
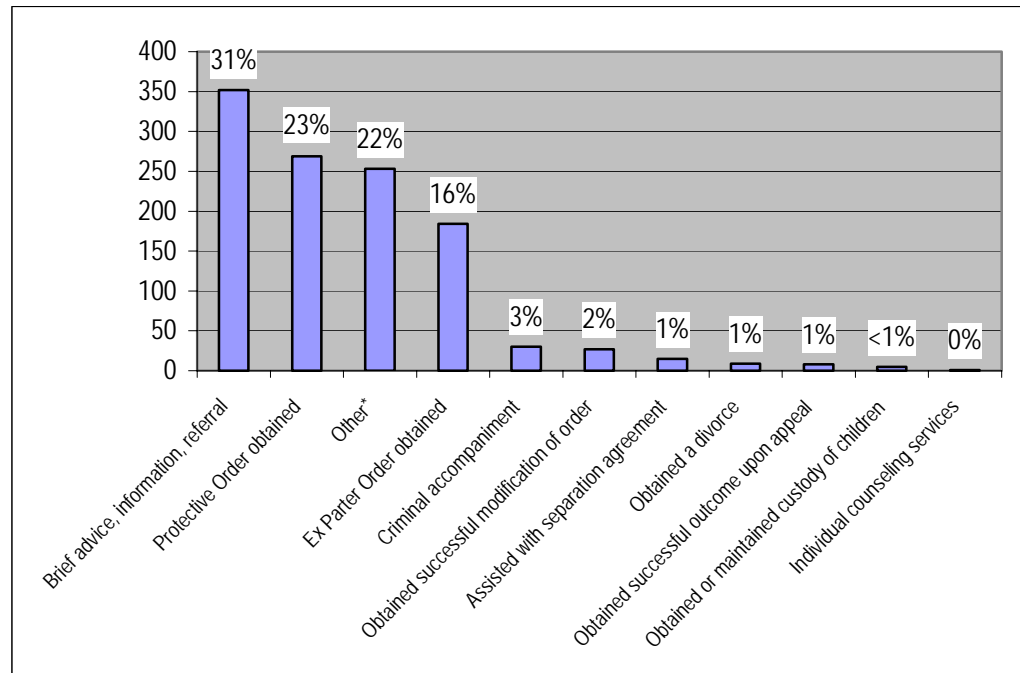


Figure 25. Special Project Grantees Serving Victims of Domestic Violence – Type of Services Provided (3rd & 4th Qtrs, FY02)



* Other includes: initial legal consultation, obtaining finding of civil contempt, civil accompaniment, change in eligibility, representation but order denied or withdrawn, emergency family maintenance contempt and follow-up.

Figure 26. Special Project Grantees Serving Victims of Domestic Violence – Major Benefit Achieved in Each Case Handled (3rd & 4th Qtrs, FY02)

Who Benefits from Domestic Violence Legal Services?

In an effort to better understand who is served by these programs, and to permit the judiciary and advocates to identify the needs of victims, the Department of Family Administration began capturing demographic data on the individuals served through Special Project Grant-funded domestic violence programs. That data is reflected in the three figures below.

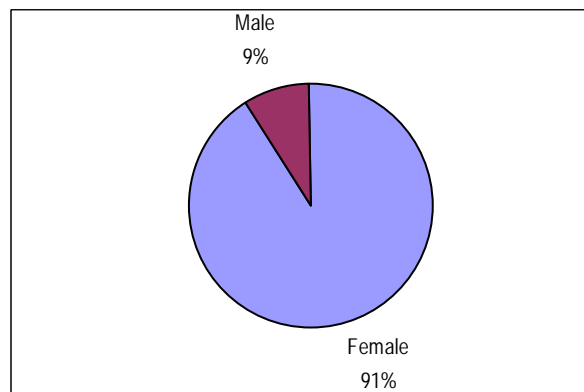


Figure 27. Special Project Grantees Serving Victims of Domestic Violence – Client Demographics – Gender (3rd & 4th Qtrs, FY02)

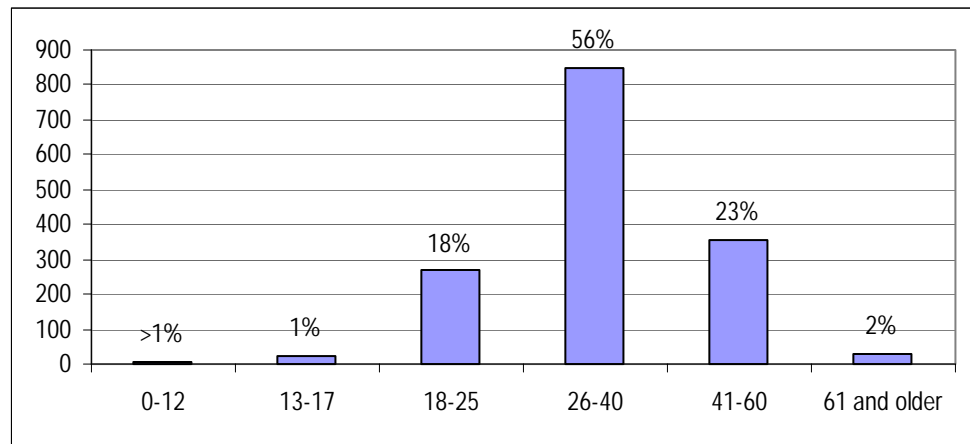


Figure 28. Special Project Grantees Serving Victims of Domestic Violence - Client Demographics - Age (3rd & 4th Qtrs, FY02)

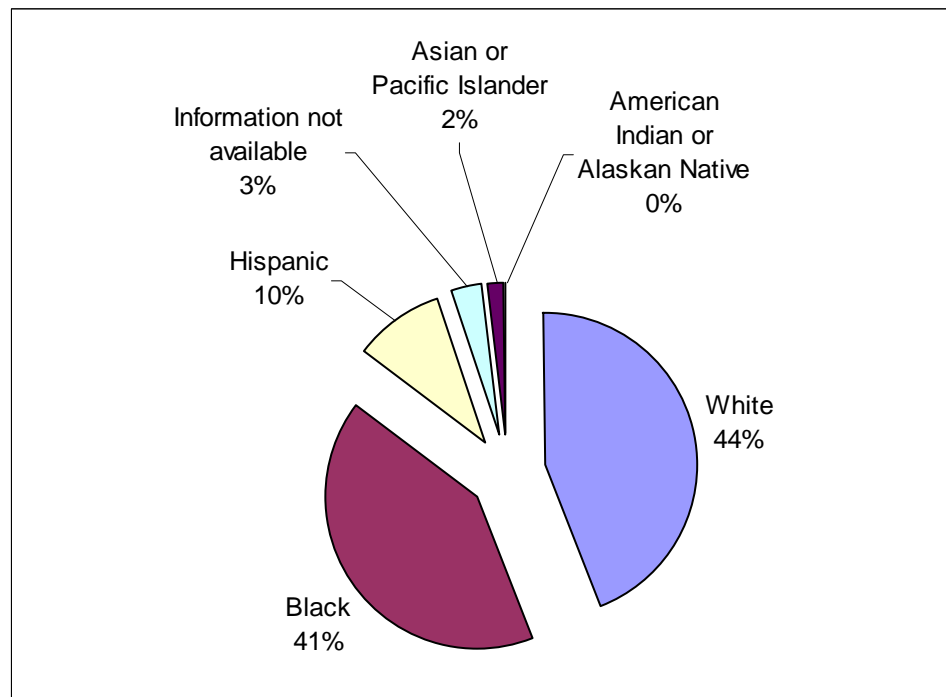


Figure 29. Special Project Grantees Serving Victims of Domestic Violence - Client Demographics - Race / Ethnicity (3rd & 4th Qtrs, FY02)

Standard 2.3 Processing Child Dependency Matters

The family division has jurisdiction over child abuse and neglect procedures, so the court will manage and operate a system of case management standards and procedures that is reflective of the Foster Care Court Improvement Project (FCCIP) recommendations published in 1997.

The Foster Care Court Improvement Project (FCCIP) has increased in staff and in committee membership during this past fiscal year. A TPR Court Administrator was added to the FCCIP staff in order to implement a number of TPR case management initiatives. The TPR Work Group membership has increased and has been solidified. Other committees have expanded their membership and in some cases, new chairs assigned.

HIGHLIGHTS

Improvements in the handling of child dependency matters in Fiscal Year 2002 have included:

1. Improvements in the use of uniform terminology and data collection in CINA and TPR matters.
2. The Foster Care Court Improvement Project hosted the 5th Annual Child Abuse and Neglect Conference.
3. A CD-ROM version of the Child Welfare Benchbook was developed.
4. The judiciary successfully proposed amendments to the revised CINA statute adopted in Fiscal Year 2001.
5. Work began on revisions to the TPR statute.
6. The Foster Care Court Improvement Project conducted a survey to gauge the impact of the Guidelines of Advocacy for CINA attorneys.
7. Eight permanency planning liaisons positions were added to improve TPR case management within the jurisdictions.
8. Funds were secured to provide parent identification and locator services, and alternative dispute resolution services to improve TPR time to disposition.
9. A paternity lab was opened in the Circuit Court for Baltimore City to enhance the ability of the court to quickly identify parents in TPR and CINA cases.

Uniform Terminology and Data Collection

During Fiscal Year 2002, the UCS-Juvenile Module was developed and rolled out statewide in all jurisdictions, except for Anne Arundel, Montgomery, and Prince George's Counties, and Baltimore City. The roll-out in Anne Arundel is scheduled for January or February 2003. Montgomery and Prince George's Counties and Baltimore City will retain their county systems and report their statistics through the Maryland Automated Judicial Information for Children (MAJIC) Administrator at the AOC.

During this transition period, the FCCIP began to analyze the data that had been captured by MAJIC. Counties were sent "snapshot views" of how their respective jurisdictions were processing the CINA and TPR cases. A mid-year snapshot is depicted in Table 6 below.

At present, the Judicial Information Systems (JIS) staff is working to revise the UCS-Juvenile Module to mirror the capabilities and terminology utilized in MAJIC. To help facilitate uniformity, several training sessions were held to discuss the updates to UCS-Juvenile Module and update the users on the terminology and legal reporting requirements of the systems.

Training

The FCCIP sponsored its fifth annual two-day conference for judges and masters hearing abuse and neglect cases. The keynote speaker featured the Honorable David Mitchell, Executive Director of the National Council of Juvenile and Family Court Judges, and former Associate Judge in the Circuit Court for Baltimore City. Topics at the conference included the upcoming juvenile rules, the nuts and bolts of CINA and TPR cases, the *Adoption and Safe Families Act (ASFA)-Specific Findings in Permanency Planning* and uniform court orders.

Persons from other disciplines participated in the second day of the conference. These participants represented the Governor's Office, Citizens Review Board for Children, Court Appointed Special Advocate (CASA) program, Department of Human Resources, Department of Education, family support services coordinators, and several attorneys that represented children, parents, and the local departments of social services. Topics included *Children and Grief and Loss*, *Long-Term Consequences of TPR and Adoption*, and *Domestic Violence and Its Effect on Children*.

The CD-Rom version of Maryland's Child Welfare Benchbook was developed during the past Fiscal Year. Juvenile judges and masters and other stakeholders throughout the state were sent a copy of the CD.

Statutory Revisions

After receiving comments and feedback on the CINA statute that became effective October 1, 2001, the CINA Subcommittee of the FCCIP spearheaded two bills that amended the CINA statute. These bills passed without amendment and became effective October 1, 2002. Concurrently, the CINA Subcommittee was revising the

TPR statute and has been shepherding this legislation through the Judiciary channels. Proposed TPR legislation will be submitted during the 2003 legislative session.

Quality of Representation

The Representation Subcommittee continues to address the representation of all parties involved in CINA and TPR cases. The *Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings* has been in effect for over a year. The Representation Subcommittee disseminated a follow up survey of the *Guidelines of Advocacy*. Results were reported in a recent issue of *Family Matters*.

The Representation Subcommittee continues to monitor the quality of representation for children. However, focus on parents' representation and agency representation will be the primary focus for the upcoming fiscal year. Although the CINA statute expanded representation of parents in CINA cases, this expansion is contingent upon funding. To date, the funding has not been approved. Other ways of ensuring quality representation for all parents are being pursued. A multi-disciplinary training for all counsel is also being pursued.

Improving the Court's Performance in TPR Cases

As previously stated, the Judiciary received funding from the State for certain TPR initiatives outlined in the Judiciary's August 2001 report to the General Assembly on the handling of TPR cases. Funding was provided for the TPR Court Coordinator position, eight Permanency Planning Liaison positions, parent identification and parent locator services, and alternative dispute resolution services. Once the Permanency Planning Liaisons are hired, the FCCIP will provide a training/orientation program to ensure that terminology and case management practices are legally acceptable and uniform across the State.

Expediting TPR cases ensures kids are free for adoption sooner.

The juvenile court in Baltimore City opened its doors to an on-site paternity lab made available through Fiscal Year 2001 and 2002 monies. A vendor is on-site two half days a week to facilitate the testing of putative fathers, mothers, and children.

All of these efforts are designed to ensure that no child has to wait longer than necessary to be adopted, once it has been determined that adoption is the appropriate remedy.

Table 6. Child in Need of Assistance Cases –
Time from Shelter Care to Adjudication– July through December 2001

Jurisdiction	0-30 Days	31-60 Days	61-90 Days	91+ Days	Number of Hearings	% 0-30 Days	% 31-60 Days	% 61-90 Days	% 91+
Allegany	3	10	6	3	22	13.64%	45.45%	27.27%	13.64%
Anne Arundel		1			1	0.00%	100.00%	0.00%	0.00%
Baltimore	66	43	17	3	129	51.16%	33.33%	13.18%	2.33%
Baltimore City	191	549	251	185	1176	16.24%	46.68%	21.34%	15.73%
Carroll	9	1			10	90.00%	10.00%	0.00%	0.00%
Cecil	9	3			12	75.00%	25.00%	0.00%	0.00%
Charles	16	4	1	2	23	69.57%	17.39%	4.35%	8.70%
Dorchester	4	2			6	66.67%	33.33%	0.00%	0.00%
Frederick	8	9			17	47.06%	52.94%	0.00%	0.00%
Garrett	12	4		2	18	66.67%	22.22%	0.00%	11.11%
Kent	3		3		6	50.00%	0.00%	50.00%	0.00%
Prince George's	59	21	7	3	90	65.56%	23.33%	7.78%	3.33%
Queen Anne's	6	1	1		8	75.00%	12.50%	12.50%	0.00%
Somerset	3	1	1		5	60.00%	20.00%	20.00%	0.00%
St. Mary	10	8			18	55.56%	44.44%	0.00%	0.00%
Washington	40	25	2		67	59.70%	37.31%	2.99%	0.00%
Wicomico	5	2	2		9	55.56%	22.22%	22.22%	0.00%
Worcester	6	1			7	85.71%	14.29%	0.00%	0.00%

Standard 2.4 Resolution of Juvenile Delinquency Cases

All juvenile delinquency cases are resolved in a prompt and thorough manner within the family divisions, according to the Constitutions of the United States and the State of Maryland, statutory law, and precedent in order to protect society while applying the means necessary to adequately address the developmental needs of the child before the court.

The Judiciary has many partners in its efforts to improve the juvenile justice system. The management of juvenile delinquency matters requires collaboration with executive branch agencies, elected officials, and law enforcement. All Circuit Courts host some type of juvenile justice stakeholder group to facilitate interagency collaboration. Of 24 jurisdictions, one-half of those groups meet monthly, two meet quarterly, and the remainder meet as needed. The court's ability to manage these cases well, depends to a great extent on its ability to work with its many partners.

HIGHLIGHTS

Accomplishments made during Fiscal Year 2002 in serving juveniles are listed below:

1. The courts have been successful in directing more resources towards programs serving juveniles.
2. The Circuit Court for Montgomery County completed the transition integrating the juvenile court, formerly part of the District Court, into the family division. The Circuit Court used this opportunity to establish new initiatives to ensure that the newly integrated juvenile section would function effectively. Innovations included: a) the development of a centralized intake center; b) the use of dependency mediation; c) hiring a juvenile coordinator; and d) development of a differentiated case management plan for juvenile cases.
3. The Department of Family Administration recently assumed responsibility for the management of grants to Court Appointed Special Advocate (CASA) programs. This integration within the Administrative Office of the Courts will permit better coordination of funds and programs serving children.
4. The Juvenile Subcommittee of the Committee on Family Law continued its work reviewing pending legislation and other initiatives. Over the coming year the subcommittee plans to explore the possibility of adding a day to the annual CINA Conference, to include a full-day of training on juvenile delinquency issues, as well as a reexamination of current confidentiality policies governing juvenile matters.

Creating Resources for Youth

Circuit Court family divisions and their partners have been successful in directing more resources towards programs serving juvenile offenders. Examples include:

- Allegany County and Washington County Circuit Courts brought together partners within the local departments of social services, the Department of Juvenile Justice, the Boards of Education and the Health Departments, to learn about parent-teen mediation models. A program was developed and this Fall adult and teen mediators are being trained. The program will begin accepting referrals in January, 2003.
- Prince George's County State's Attorneys Office received a Hot Spot grant to establish a Teen Court in that county. Volunteers, including judges, masters, and employees of the Office of the Public Defender and State's Attorney's Office will serve as teen court "judges." Cases will be decided by a "jury" of juveniles, many of whom will have been prior Teen Court respondents.

Referrals will be made by both the Department of Juvenile Justice and the court.

- Somerset County received funds from the Governor's Office for Children, Youth and Families to establish the S.T.A.R. (Somerset Teens at Risk) Project. The court is participating in the planning for this program which will include a center for children at risk of truancy and running away.
- The Department of Family Administration provided the Circuit Court for Baltimore City a Special Project Grant to provide additional juvenile court coordinators. A second grant was awarded to permit that court to furnish and outfit child waiting areas in the new Baltimore City Juvenile Justice Center.

Standard 2.5 Coordination of Family Legal Issues

The family divisions assess and identify all court matters relating to the same family in a timely and expeditious manner. In doing so, the Family Divisions apply uniform criteria for determining the need to coordinate or consolidate those matters in order to refer all matters involving the same family to the same judge or to the same case management personnel or team.

Jurisdictions have experimented with different models of serving families.

Jurisdictions have experimented with various methods of achieving some type of continuity in the handling of family cases. In several jurisdictions, notably Harford County and Cecil County, the courts assign "parenting coordinators" to high conflict cases. These individuals, normally trained in social work or mental health, meet with the parties to resolve contested issues. They may attempt to assist the parties in settling the case, and may conduct a type of custody evaluation. Ultimately, their goal is to assist the parties in resolving their differences without trial, and to provide the court with information if a trial becomes necessary.

In other jurisdictions, custody evaluators, mediators, social work staff, case managers, family support services coordinators and juvenile court coordinators all form part of a team of professionals that develops an expertise in working with a particular family. This expertise can inform the judge in the form of written custody evaluations and other recommendations admitted into the record at trial.

Consolidating Family Violence Cases

Modified rules took effect January 1, 2002, to permit the transfer of cases between District and Circuit Courts when there have been multiple filings or when related cases

are pending in Circuit Court. Now when a petitioner files for an *ex parte* order in the District Court, the judge is provided information regarding any matters filed in Circuit Court involving one or more of the parties. The judge reviews that information and, if it is appropriate, transfers the case to Circuit Court. Likewise, when a case is filed in Circuit Court, the presiding judge is provided information regarding pending petitions or existing orders for protective relief in the District Court. If appropriate, the judge may transfer the case to District Court. Better coordination between courts and case types should improve the court's ability to respond effectively to the needs of families. The Subcommittee on Domestic Violence of the Committee on Family Law will be examining the impact the rule changes have had on case management over time.

Equality, Fairness & Integrity

Creating An Even Playing Field

In order for the court to effectively wield legal authority, it must win the public's confidence. Before the public can have confidence in the court, it must perceive that that the court is fair. When individuals experience the judicial system firsthand, even when they have the benefit of counsel, they can be easily overwhelmed by the complexity of the legal process. They are outsiders making use of a system run by experts with specialized knowledge. It is all too easy for those "outsiders" to perceive that they may be disadvantaged as they pursue their case. Courts have to make concerted efforts to overcome those perceptions.

Maryland's family divisions have adopted four performance standards to ensure that the courts provide a level playing field for its own staff as well as for those who enter the courthouse door.

Standard 3.1 Integration of Related Family Matters

Family division litigants have enhanced ability to comply when there is integration of related matters so that changes for conflicting orders are minimized. Moreover, pro se litigants are afforded a uniform intake process that includes a uniform mechanism for case reception and establishment.

HIGHLIGHTS

Improvements in integrating related family matters have been detailed above, in part, and include:

1. Universal access to Pro Se Assistance Projects and the work of a task force of coordinators and pro se providers to develop "Pro Se Best Practices." A document summarizing their recommendations is currently in draft form.

2. The use of “parenting coordinators” in some jurisdictions to promote settlement and manage all aspects of high conflict cases.
3. Development of teams of court professionals who develop an expertise with individual families.
4. Modifications to the Maryland Rules to permit the transfer of domestic violence cases between District and Circuit Courts where appropriate.

Standard 3.2 Fairness and Equality for Court Staff

The family division observes standards of fairness and equality for all staff of the court, including those who provide services to litigants in the family divisions.

The achievement of Standard 3.2 is important for several reasons. It is important that family divisions be staffed by committed, trained individuals who understand family law and the many technical aspects required in preparing, managing, evaluating and hearing family case types. Providing fairness and equality for court staff can assist in retaining qualified staff and preserve institutional knowledge. It has also been a goal of the judiciary to promote uniformity throughout the state, to ensure equal access to resources.

Several accomplishments have been made in the promotion of this standard:

HIGHLIGHTS

1. Effective July 1, 2002, the transition of masters to state employment was completed. A significant percentage of masters converted to state employment; the other positions will become state positions by attrition over time. All masters are now paid or their counties reimbursed at a uniform salary level.
2. Additional legislation will take effect January 1, 2003 which will convert law clerks to state employment. A uniform salary structure will likewise be adopted at that time.
3. While family support services coordinators remain local government employees, a uniform salary and benefit amount is provided for those positions in non-division jurisdictions through the Family Division/Family Services Grants. Coordinators are currently working on revisions to a uniform recommended job description for the position.
4. The Family Division/Family Services Grant Guidelines require all jurisdictions to follow local government procurement practices to assure fairness in awarding contracts to family services providers.

Standard 3.3 Responsiveness to Child Support Issues

The family division responds to any court-focused child support initiatives from the Maryland legislature in a manner that facilitates an equal and fair response to all parties involved in child support issues.

In these cases, the court is truly a forum of last resort – and results can be difficult to achieve.

Circuit Court judges are often frustrated by the inefficacy of existing legal remedies when child support obligors refuse to pay. In these cases, the court is truly a forum of last resort. The bulk of child support establishment and enforcement cases reach a successful conclusion in the administrative process. Only the intransigent cases find their way to the courts – and for those cases, there is often little the court can do to elicit payment.

The Child Support Subcommittee of the Committee on Family Law recently issued a report which examined the efficacy of civil contempt in child support. The report concluded that the most effective way to strengthen the court's enforcement efforts is by facilitating and encouraging the use of the criminal contempt process. To effect that the subcommittee recommended several statutory changes that would enable criminal contempts to be used more effectively. The report also highlighted the need for continuous communication between the court, the support enforcement office, and practitioners. At the time of this writing, the report was still under consideration by the Committee on Family Law to determine whether and to what extent those recommendations would be pursued.

HIGHLIGHTS

Efforts to improve the handling of child support cases have also included the following:

1. Use of Child Support Incentive Funds to:

- a. Send approximately 60 child support clerks and supervisors to the annual Maryland Joint Child Support Conference in Ocean City, Maryland.
- b. Provide UIFSA manuals to all clerk's offices, family divisions and family support services coordinators involved in child support matters.
- c. Promote innovative ideas by soliciting proposals for incentive fund grants. Six projects will be funded in FY 2003, including a Nurturing Fathers Program in Worcester County and a Children First Program in Charles County. The latter will provide on-site mediators on paternity docket days to help the parties resolve collateral child access issues that come up in the context of paternity or child support matters.

2. Coordinated efforts with the Child Support Enforcement Administration to measure the performance of IV-D masters and clerks doing enforcement work.
3. Participation in a DHR Stakeholders Work Group on Child Support issues.

Standard 3.4 Treatment of Unrepresented Parties

The family divisions endeavor to provide for each person within their jurisdiction equal care and fair treatment, without regard to representational status. To this end, should a party who is not represented wish legal representation, family divisions refer them to potential legal representation resources.

The Maryland Judiciary has made significant commitments to ensure equal access to the family justice system for all Maryland residents. All twenty-four Circuit Court jurisdictions now operate court-based pro se assistance projects. Those programs are described in more detail on page 16. Other innovations intended to improve access to justice are described in Section 3.

HIGHLIGHTS

Some highlights of the Circuit Courts' efforts to better serve the unrepresented include the following.

1. With the help of Judicial Information Systems and the various jurisdictions, the Department of Family Administration began capturing data on pro se appearances at various stages of litigation. This key data will help us gauge the needs of the unrepresented and dedicate resources appropriately.
2. During Fiscal Year 2002, the jurisdictions began providing demographic data on users of pro se assistance projects. This data will likewise help the courts understand the need and modify programs accordingly.
3. The Department of Family Administration has partnered with the Maryland Legal Assistance Network (MLAN) in planning for serving the unrepresented. Together the two hosted joint meetings between coordinators and pro se providers.
4. One outcome of that was the development of a Pro Se Best Practices Work Group. That group is presently completing a draft set of recommendations.
5. Improvements continue to be made to the judiciary website and the forms website. Forms were recently made available in fillable field format.

How Many Litigants are Unrepresented?

Gauging the number of unrepresented litigants that appear before the courts in family matters is complex. A court case is not a single, finite event but a series of events that happen over time. Individuals may begin their court case believing they can handle the case themselves but may end up engaging an attorney once it becomes clear that the case is contested or a trial is looming. In other instances, individuals may begin the case by hiring an attorney but may run out the funds necessary to pay that attorney. In some instances, those individuals discharge their attorneys before the case is concluded and complete the process unrepresented.

In order to develop a picture of the needs of unrepresented individuals, the Department of Family Administration began tracking pro se appearances at various stages of litigation. The data collected is not yet entirely accurate; some technical and procedural problems remain to be worked out before all the data collected is considered reliable. Data collected in the most recent quarters, however, is beginning to suggest how often and when individuals are most likely to be without counsel.

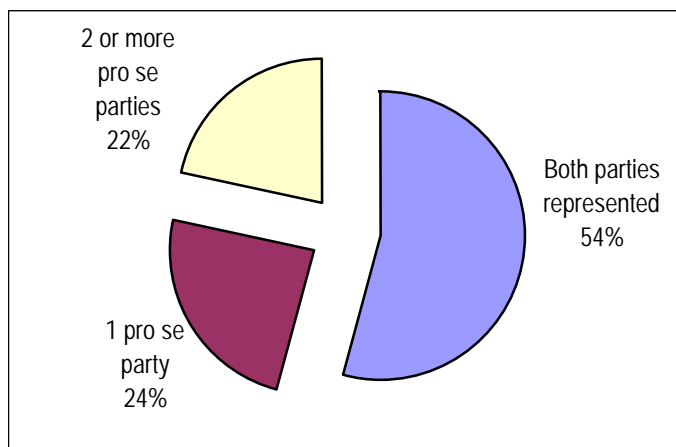


Figure 30. Pro Se Appearances at Domestic Case Scheduling Conferences – 4th Qtr, FY02

Figure 30 suggests that at the initial scheduling conference, a brief proceeding held very early on in the history of the case in most jurisdictions, 46% of the cases involve at least one unrepresented party. Although testimony is not usually taken at these proceedings, individuals are expected to come prepared to resolve as many issues as possible, identify any services or evaluations that will be required, set discovery deadlines and schedule further proceedings.

By the time of trial, it appears that an even larger percentage of individuals are participating without benefit of counsel. Although fewer cases actually go to trial, those individuals who do proceed to trial without counsel must still comply with the complex set of evidentiary laws that govern trial procedure. The inability to get key

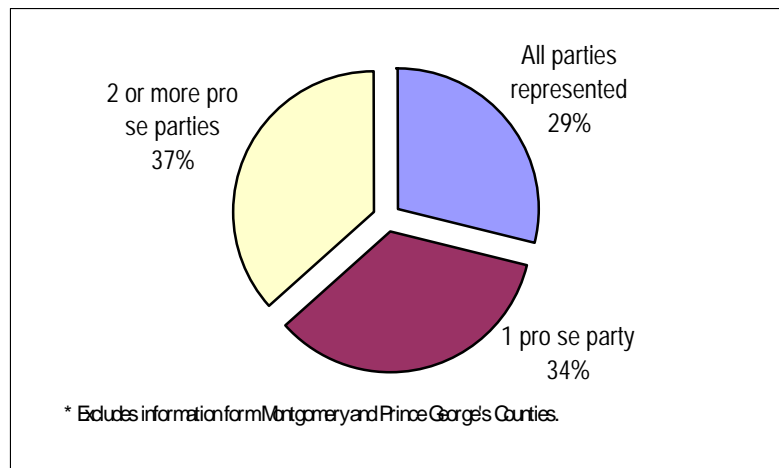


Figure 31. Pro Se Appearances at Trial in Domestic Cases – FY02

information into evidence can have a devastating impact on the outcome of the trial. Figure 31 suggests that, by the time they go to trial, 71% of cases now include at least one unrepresented party. Pro se litigants not only compromise their own ability to succeed at trial, but they can delay the trial itself. Their inability to present evidence effectively may also impair the judge's ability to determine what is in the best interests of the parties' children.

It is interesting to note that more litigants appear with counsel at scheduling conferences than at trial. Several factors may be determinative:

- Individuals may deplete their financial resources early on and thus be unable to afford counsel later in the case.
- Having an attorney may increase the likelihood that your case will be resolved without trial and therefore a higher percentage of unrepresented persons end up having to go to trial.
- These may represent the most high conflict cases which often demand more financial resources and therefore reduce the likelihood litigants can afford counsel at the time of trial.
- Fewer legal services programs may be available to represent individuals involved in a lengthy case.

Further research would be required to determine which of these factors are at work here.

A breakdown of pro se appearances at trial in the various jurisdictions is presented in Figure 32.

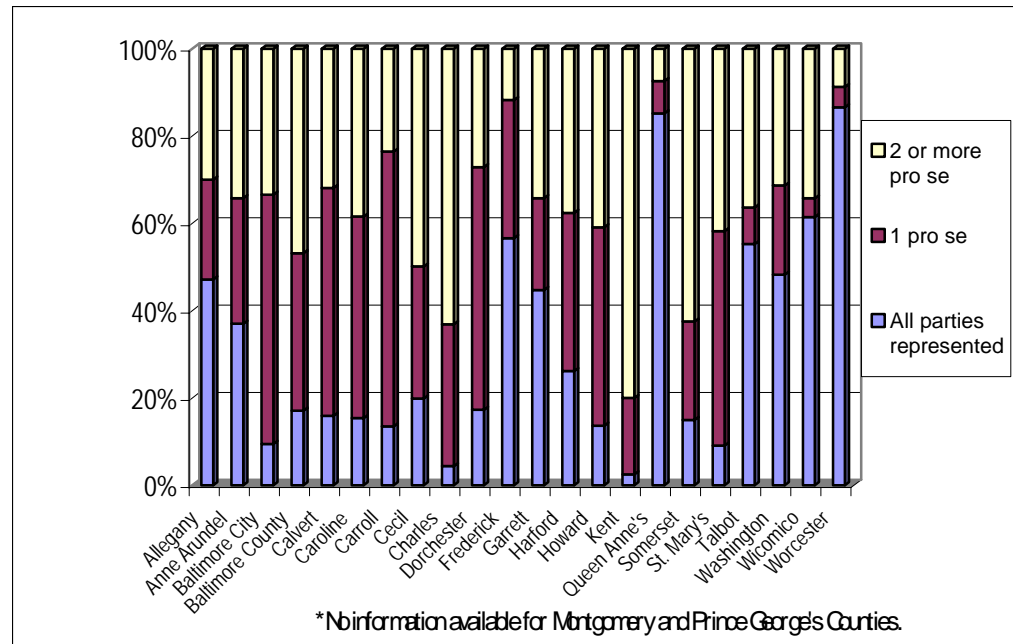


Figure 32. Pro Se Appearances in Domestic Trials by Jurisdiction - FY02

Who is Unrepresented?

While it has not been feasible to capture demographic data on all domestic litigants, one way to get a picture of *who* is appearing without counsel is to capture demographics on users of the Pro Se Assistance Projects. This data can give us information on who the programs are serving, and may suggest who is most likely to appear unrepresented. Individuals who request assistance from any of the 24 court-operated walk-in clinics, is asked to complete a one-page demographic questionnaire. Data compiled from those questionnaires is reflected in Figures 32 through 37, below.

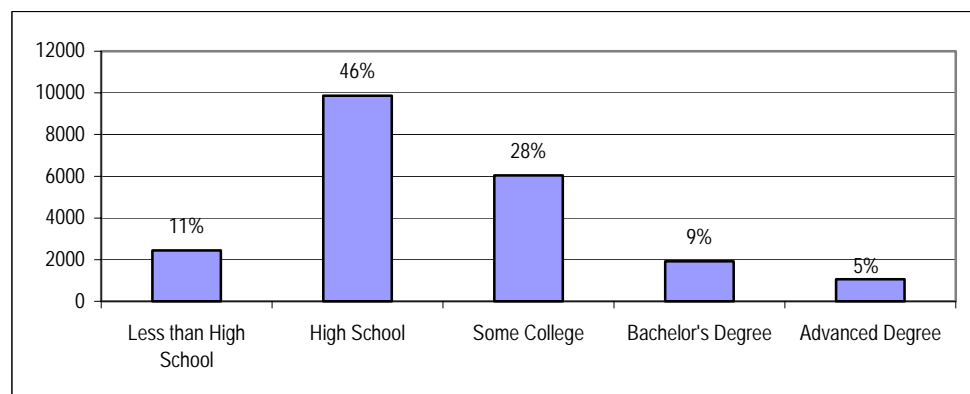


Figure 33. Pro Se Assistance Project Users –
Highest Education Level Achieved - FY02

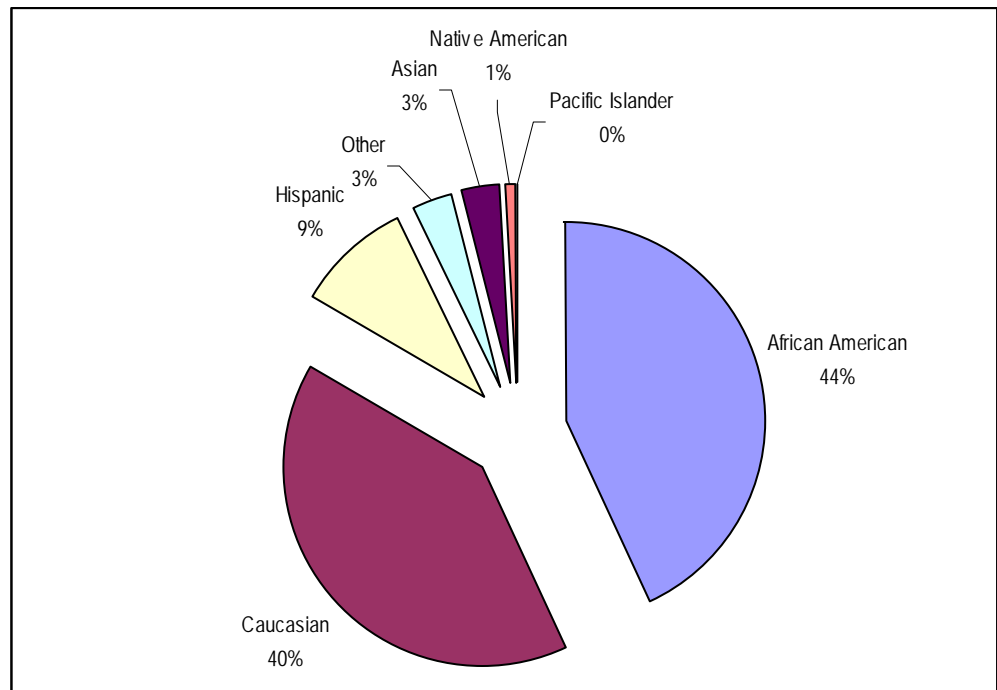


Figure 34. Pro Se Assistance Project Users - Race/Ethnicity - FY02

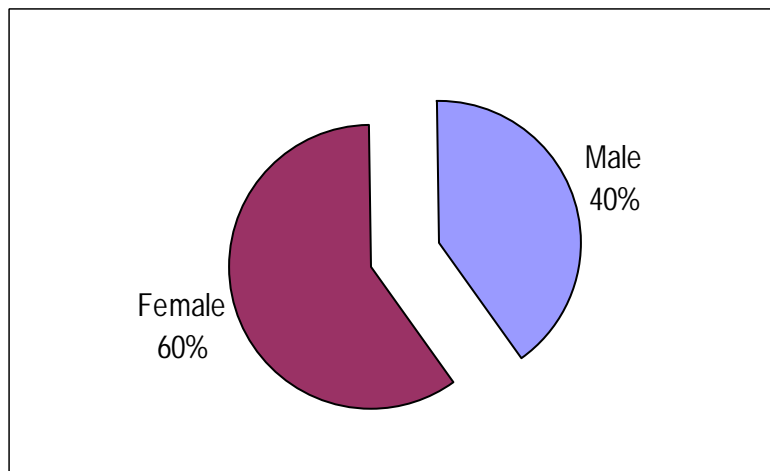


Figure 35. Pro Se Assistance Project Users - Gender - FY02

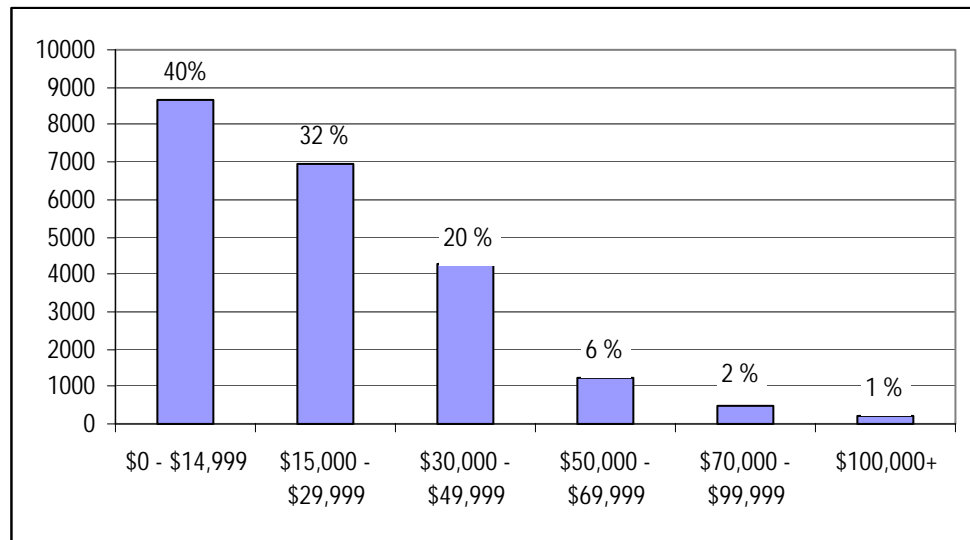


Figure 36. Pro Se Assistance Project Users - Household Income - FY02

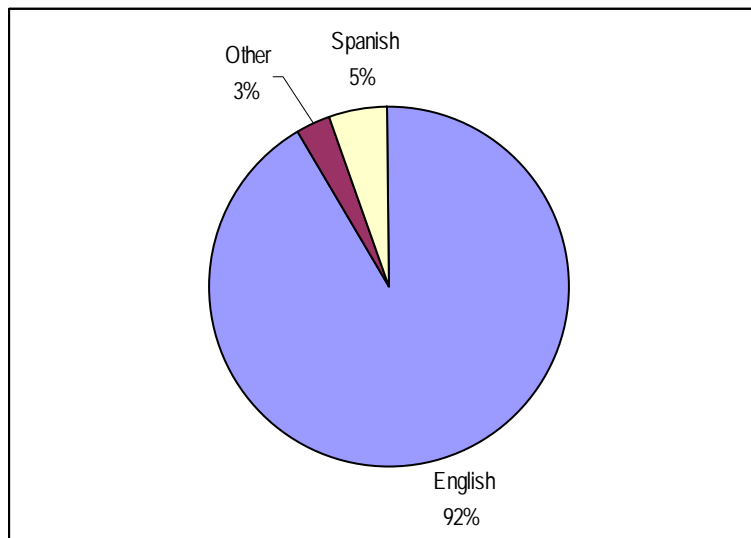


Figure 37. Pro Se Assistance Project Users -
Primary Language Spoken - FY02

Some interesting observations can be drawn from the data compiled in Figures 32 through 37:

- Eleven percent (11%) of individuals using the programs did not complete high school. Fifty-seven percent (57%) had a high school education or lower. Forms, instructions, brochures and written materials should be designed to target these individuals.

- Sixty percent (60%) of users identify themselves as non-Caucasian. Forty-four percent (44%) of those individuals identified themselves as African-American. Educational efforts should use methods that are effective for the groups represented, and that display cultural competency to ensure those users are effectively served.
- Seventy-two percent of pro se project users report a household income of less than \$30,000. The majority of those (40%) report incomes of less than \$15,000. This figure may be influenced by the fact that a number of jurisdictions conduct income screening and decline legal advice to over-income clients. About half the programs do not currently screen, however. More research is required to draw significant conclusions from this data, but it appears that the programs are serving those individuals for whom they were originally intended.
- A surprisingly small number of litigants (5%) report that Spanish is their primary language. Only 3% identify themselves as speakers of another language other than Spanish or English. These figures may be low. One would expect non-English speakers to make up a larger percentage of those with lower household incomes – precisely the group that is using these programs. This suggests that the programs are not effectively reaching or serving non-English speakers. This is an area for potential growth and improvement in the future.
- Women make up the majority of individuals using pro se services. Pro se programs should be prepared to address the legal issues pertinent to women – child support, education about marital property rights, domestic violence education, safety planning & assistance, child access issues, and others.

Website & Forms Usage

Another measure of pro se activity is the extent to which other pro se resources are accessed. The judiciary tracks the use of the www.courts.state.md.us/family website which serves as an introduction to family divisions in the state, as well as the use of the domestic relations forms made available online for unrepresented parties. This web activity can be seen as a gauge of the demand for pro se assistance. Figure 38 shows the number of hits key web pages, including those related to the distribution of forms, received during Fiscal Year 2002. Figure 39 shows the domestic relations forms in highest demand by web users.

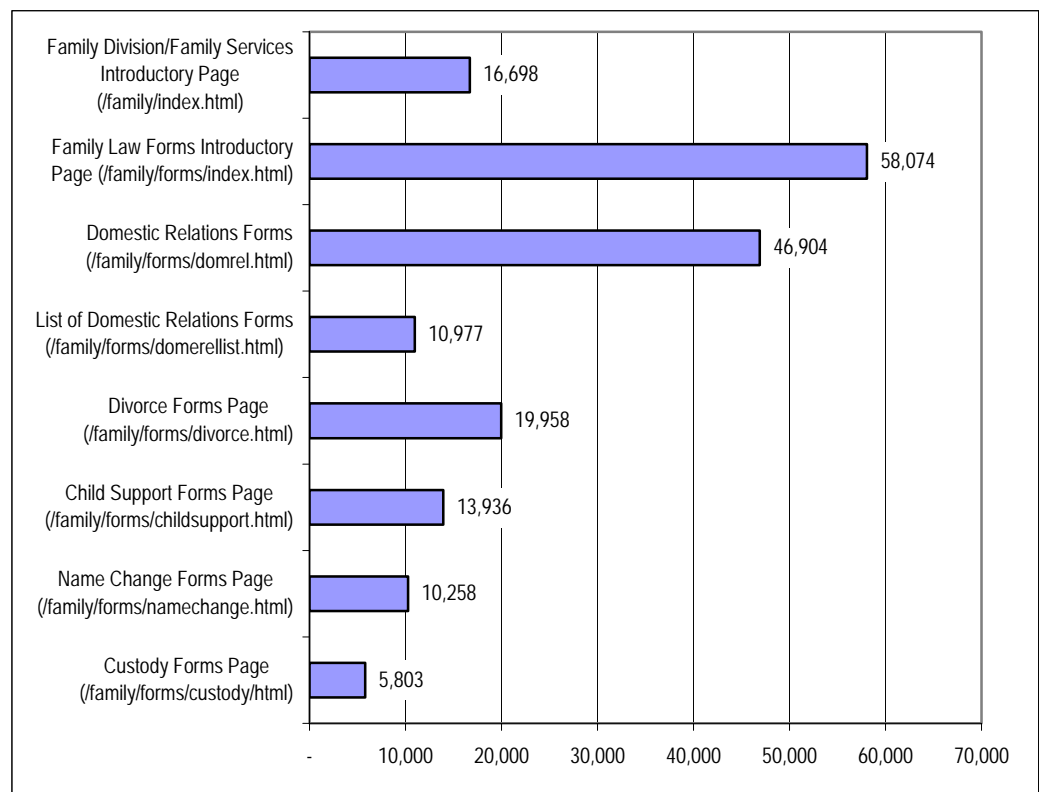


Figure 38. Highest Volume Family Web Page Hits - FY02

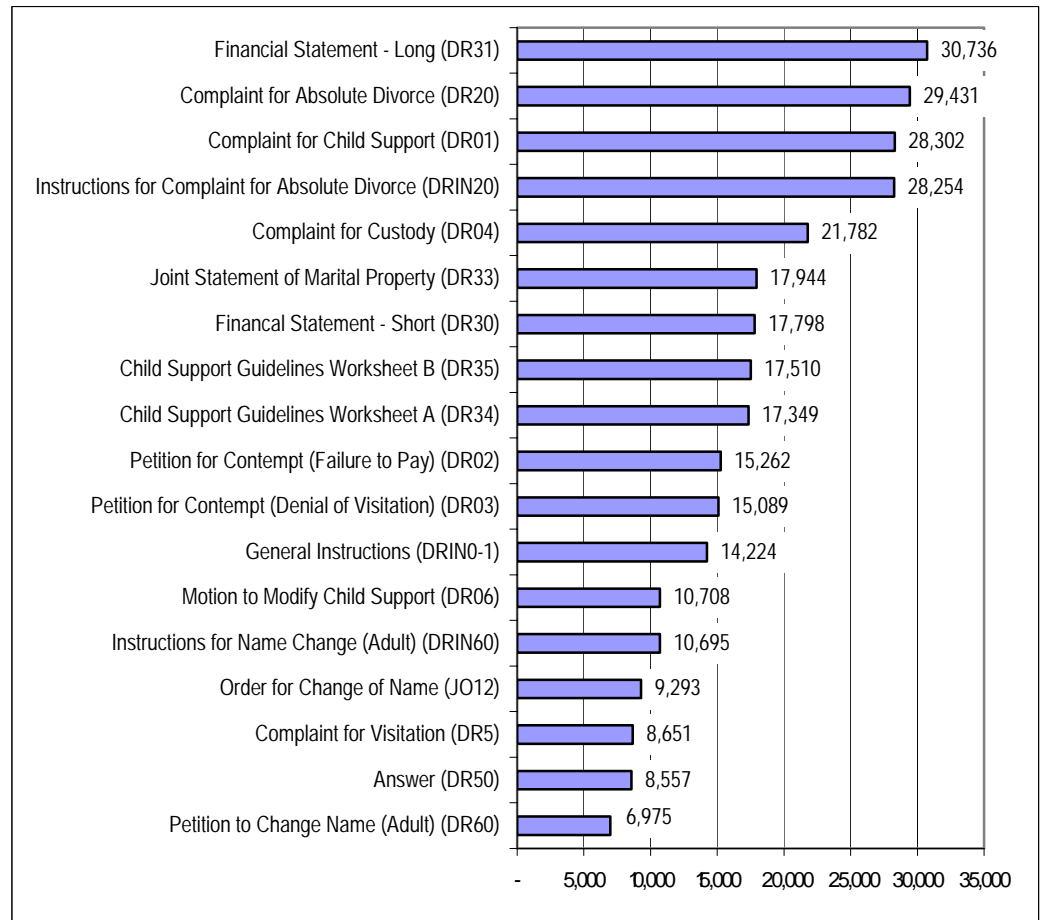


Figure 39. Domestic Relations Forms with Highest Volume Web Hits - FY02

Independence & Accountability

Enhancing the Quality of Family Law Decision-making

A justice system is nothing without integrity. Adhering to values of independence and accountability ensures that a system of justice will retain the respect and confidence of those who come before it. Maryland's Circuit Court family divisions have adopted several standards to reinforce those values.

Standard 4.1 Performance Issues

The family divisions conduct regular reviews of their performance to assist with the responsibility to manage effectively, to participate actively in long range planning, to identify and pursue needed resources, and to account publicly for performance.

A number of regular practices, listed below, have been adopted to assist the Department of Family Administration in measuring the performance of the family law system. Information is regularly shared with internal judiciary customers and external stakeholders through the dissemination of newsletters, publications and annual reports, as well as through the website. Only when the information has been disseminated and understood can it be acted upon.

HIGHLIGHTS

1. The Performance Standards and Measures for Maryland's Family Divisions were adopted by the Conference of Circuit Judges in March, 2002. The document has recently been printed and disseminated to judges, masters, court administrators, coordinators and stakeholders.
2. Improvements were made in the collection of data to add to the body of knowledge available about family division programs, their clientele, and program performance. Much of that new data is reflected in this report.

3. Quarterly reports are submitted by each jurisdiction. These include program data as well as financial reporting.
4. The reporting format for Special Project Grantees was revised to capture additional data and make it easier for grantees to report by mirroring reporting they currently provide to other grantors.
5. A site visit questionnaire for Special Project Grantees was developed and a system of annual site visits instituted.
6. A site visit questionnaire for jurisdictions is currently being developed. Staff have been assigned jurisdictions to visit and a cycle of annual visits will be maintained.
7. Each jurisdiction submits an annual report to the Chief Judge of the Court of Appeals on October 15, pursuant to Maryland Rule 16-204, describing their accomplishments and detailing their needs for the coming year.

Standard 4.2 Information Sharing

The family divisions endeavor to share information about their effective case management and processing practices within each jurisdiction, which practices may then be replicated.

The Department of Family Administration continues to provide regular opportunities for regular exchange of information about best practices in family case management. These include:

HIGHLIGHTS

1. Quarterly meetings and in-service trainings for family support services coordinators. This Fall, coordinators participated in a planning retreat to plan their objectives for the coming year.
2. Specialized meetings and trainings for court professionals including custody and mental health evaluators and pro se providers during Fiscal Year 2002.
3. Publication of a quarterly newsletter, *Family Matters*, in which all family division staff and personnel have an opportunity to publish articles, news and information.
4. Hosting an annual Child In Need of Assistance Conference.

Standard 4.3 Fair and Efficient Forum for Dispute Resolution

The family divisions are fair and efficient forums for the resolution of family disputes. They endeavor to engage in uniform practices, including dispute resolution, fee collection, forms, access to services, appropriate data base linkages, information sharing, and case management practice.

In order to promote a fair and efficient forum for dispute resolution, the family justice system has shifted from an adversarial arena to a “problem-solving” court. The judiciary has made key efforts to empower parents to act as primary decision-makers for themselves and their children:

HIGHLIGHTS

1. **Co-parenting courses** educate parents about the need to remain child-focused. Only with this perspective can parents lay their own anger and hurt aside to make good decisions.
2. **Specialized parenting courses** address the needs of specific populations including never-married parents, parents of at-risk teens, and programs for incarcerated parents.
3. **Family case management plans** provide multiple opportunities for settlement, and make use of many forms of alternative dispute resolution including facilitation, child access mediation, marital property mediation, dependency mediation, parent-teen conflict resolution, and others.
4. **Mediation training** has been provided to court professionals, masters and some judges – to promote better settlement skills and teach those professionals to value mediation, to make better referrals, and to manage better programs.

One way to evaluate the court’s ability to promote settlement is to examine the number of child access cases ordered to mediation that result in a signed parenting agreement by the conclusion of mediation. Of 1,906 on which we have reported statistics, 981 cases (51%) resulted in a signed parenting agreement.

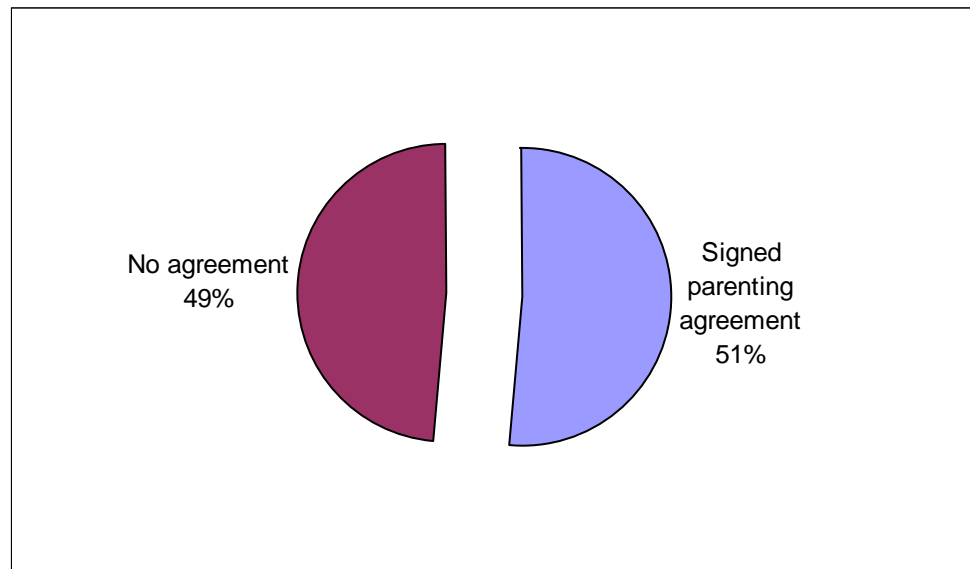


Figure 40. No. of Cases in Which Child Access Mediation Actually Occurred That Resulted in a Signed Parenting Agreement by Conclusion of Mediation - FY02

Standard 4.4 Safety and Security

The family divisions aspire to provide a safe and secure environment for system users and personnel. Sufficient resources must be committed to ensure adequate safety and security for vulnerable persons, including victims of domestic violence and of child abuse or neglect.

Sadly, the events of September 11, 2001 have prompted all citizens to take more seriously the need for safety and security in our public institutions. Circuit Courts, in cooperation with local sheriffs and law enforcement have made significant improvements in courthouse security since that time. Even rural jurisdictions now require all entrants to display proper judiciary identification or to go through a metal detector and physical scan.

HIGHLIGHTS

Improvements in this area include:

1. Some jurisdictions report that they now have bailiffs or sheriffs in the courtroom for proceedings for which security had previously been unavailable.
2. Several jurisdictions have used Family Division/Family Services funding to hire security guards for certain programs held after regular court hours or off-site including co-parenting education and visitation services.

3. Some jurisdictions have been able to provide better security in judges chambers.

4. Increased use of child waiting areas in courthouses.

Space and fiscal restraints often limit the steps courts can take to address safety concerns.

Despite these improvements, challenges remain in the courts' ability to ensure the safety of individuals within the courthouse. A number of jurisdictions have expressed an interest in providing separate, secure waiting areas for victims of domestic violence. Space and fiscal resource constraints have precluded the accomplishment of those

plans to date. Family support services coordinators have also requested that they be provided stress management training to assist them in managing individuals in crisis. Equipping the court's frontline workers with the intellectual and emotional tools they need to deal with individuals in crisis can go a long way towards deescalating conflict situations within the courthouse.

Standard 4.5 Uniform Qualifications

Each family division operates in a predictable and uniform manner with respect to uniform staffing needs, job qualifications, and clearly articulated job descriptions. A uniform training module for family division judges, masters and staff is utilized for all new personnel of the family divisions.

The Department of Family Administration has worked with all jurisdictions to shepherd a relatively uniform structure for family divisions and family services programs statewide. Some of these efforts have been reinforced by statutory and funding changes that permitted the conversion of certain "segments" of family divisions to migrate to state control. These have included

HIGHLIGHTS

1. The conversion of masters to state employment which became effective July 1, 2002. This permitted the judiciary to develop a uniform position description and uniform salary scale for masters. Existing masters were provided the opportunity to elect state or county employment. Local governments are reimbursed at a salary and benefit amount based on that uniform scale for any masters who remain locally employed. All new masters positions and refilled positions will be hired as state employees henceforth.
2. The conversion of law clerks to state employment, which takes effect January 1, 2003. After that date, one law clerk per circuit court judge will be rehired as a state employee. Law clerks are not permitted an opportunity to elect otherwise. This conversion has permitted the development of a uniform position description and salary scale for law clerks. It has also ensured that all

circuit court judges can have a law clerk – something that was sometimes not possible in rural jurisdictions.

3. Development of a uniform position description (recommended) for family support services coordinators. An enhanced position description was developed by the Department of Family Administration, working collaboratively with coordinators. That description is currently being revised and reconsidered. The Department has also been able to provide a uniform budgeted salary and benefits amount for those positions in all family services jurisdictions.
4. The judiciary recently completed a compensation study with the help of consultants at Booz-Allen Hamilton. A number of positions were reclassified as a result and some positions, formerly unclassified, given a standard grade and step. The judiciary has been unable to implement the compensation improvements recommended by the consultant because of funding constraints.
5. A standard orientation procedure was adopted by the judiciary for all judges assigned to hear juvenile matters.
6. The Committee on Family Law has identified as a priority for the coming year the design of an orientation procedure for judges newly assigned to the family division.

Public Trust & Confidence

Shining a Bright Light on Family Justice

Ostensibly, if we have been successful in promoting the four prior values – access to justice, expedition and timeliness, equality fairness and integrity, and independence and accountability – we should have earned the public’s trust. But it is not that easy. Courts are in the business of dispensing justice, not happiness. Even individuals whom the process has benefited may not fully appreciate the process itself. For this reason it becomes even more paramount that family divisions take extraordinary steps to communicate effectively about the benefits of the system of family justice that has been adopted in our state. We have to shine a bright light on the work being done – to promote confidence in the system and to help attorneys, litigants, and the public at large think differently about how best to facilitate the resolution of family conflict.

Standard 5.1 A Therapeutic, Holistic, Ecological Approach to Family Law Decision-making

The approach of Maryland’s family divisions to family law decision-making is therapeutic, holistic, and ecological in its perspective.

Ultimately, success in developing a “therapeutic, holistic, ecological” approach to family justice will be determined by the quality of family law decision-making. The goal of Maryland’s family divisions is to have a positive impact on the lives of families and children. A longitudinal study of families who have participated in that system is needed to determine its effectiveness. Resource limitations have precluded the judiciary from undertaking such a study at this time. There are steps that can be taken to ensure that these values are at the heart of family law decision-making in the state. Some of the steps taken to date have included the following:

1. The Department of Family Administration has provided funding for a study to evaluate the factors used in custody decisions in Maryland. The study, which is being conducted by the Women’s Law Center in conjunction with another project examining property distribution in divorce, will answer such

questions as who is getting custody, how often and why, what type of custody is being awarded and how custody affects the payment of child support and/or visitation, and the impact of allegations of domestic violence and mediation.

2. The Committee on Family Law, through its Custody Subcommittee has been examining models for possible statutory reform. The model statute under study would limit the discretion given to judges by the current “best interest standard” used in custody decision-making. This model, the *American Law Institute’s Principles Governing the Allocation of Responsibility for Children*, is still being reviewed and evaluated.
3. To further evaluate the model, the Circuit Court for Baltimore City has proposed a pilot project to implement a dispute resolution model that would assist parents to develop comprehensive parenting plans. A grant application to fund that project is still pending.
4. The Committee on Family Law has identified as one of its priorities for the coming year the development of a comprehensive curriculum for all judges, masters and professional staff associated with the family divisions.

Standard 5.2 Fairness, Courtesy and Civility

The family divisions provide a forum for litigants that is fair, courteous and staffed by personnel who conduct themselves according to established standards of civility.

All family support services coordinators have had an opportunity to receive customer service training in the past. The judiciary’s Training Department also regularly offers customer service training to Clerk’s Office staff and other judiciary personnel.

The Department of Family Administration had hopes of obtaining grant funds from the State Justice Institute to develop a series of evaluative instruments, including attorney and litigant satisfaction surveys, to assist us in evaluating our performance in this area. Unfortunately the federal grant program was eliminated about the time we submitted our proposal. The program has been reinvigorated and plans are in the works to renew the request for funding.

HIGHLIGHTS

The most notable initiative undertaken in this area has been Chief Judge Bell’s decision to appoint a Professionalism Task Force to raise the standard of professionalism in Maryland’s legal community. The Task Force, chaired by Court of Appeals Judge Lynne A. Battaglia, will host a series of town hall meetings over the coming months. The Task Force was established with the recognition that lawyer professionalism has an impact on public confidence in the legal system.

Standard 5.3 Visible Presence in the Community

The family divisions must be a visible presence in the courthouse and the community.

Family divisions have assumed an increasingly larger presence in the Circuit Courts over the last several years. Every effort is made to ensure that the public, attorneys, litigants and others are informed of the role of the family divisions, and knowledgeable about how to access its services.

HIGHLIGHTS

1. A number of larger jurisdictions have clearly designated wings or sections of the courthouse dedicated to the family division and the provision of family-related services.
2. Many first-time litigants familiarize themselves with Maryland's family justice system through the Department of Family Administration website. Department staff have also worked with each local jurisdiction to ensure that, if they do not have a separate, designated site, that they at least have a web page or series of pages describing available resources and services.
3. A team of family support services coordinators and Department of Family Administration staff recently gathered to plan for the production of a series of brochures explaining family case management and family services available and to plan for the production of an introductory video explaining family divisions and family services programs.

Conclusion

A Legacy of Service to Maryland Families

The Maryland Judiciary takes pride in the reform efforts it has undertaken in the last four years to improve the experience of families and children whose lives are touched by the family justice system. Challenges remain. Internally the judiciary is challenged by the need to ensure that family court reform efforts reach into the courtroom and impact the quality of decisions made when families are unable to reach an agreement. Externally, the judiciary is challenged by the lack of fiscal resources available to provide legal representation in civil family matters.

Despite these challenges the Maryland Circuit Courts provide almost universal access to a core of essential family services. Those services have meant that litigants are better educated, more likely to make their own decisions for themselves and their families, and they focus more effectively on the needs of their children, and that the courts have critical information available to them when necessary. The judiciary is moving forward with a number of key initiatives to improve the handling of child protection cases, and has been able to maximize the resources available to improve child support enforcement and protection for victims of domestic violence.

The coming year will provide additional opportunities to serve Maryland families more effectively inside and outside the courtroom. We will continue to evaluate our efforts to provide a seamless, comprehensive and beneficial system of family justice.